ABORIGINAL STUDIES 30

Contemporary Issues

Kainai Board of Education
Métis Nation of Alberta
Northland School Division
Tribal Chiefs Institute of Treaty Six

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Publisher's Note to Teachers

Words in many Aboriginal languages appear in this textbook to add to student understanding of particular concepts and to reinforce Aboriginal language programs that students may also be studying. In some languages, correct pronunciation of these words requires sounds that are not easily explained using English letters and accents.

To address this issue, a pronunciation guide and glossary of Aboriginal language words will be included in the teacher guide, where adequate space can be dedicated to explanations. We encourage teachers to familiarize themselves with this guide so that they can assist students, where necessary, in the correct pronunciation, use, and understanding of Aboriginal language words.

To the best of our ability, we have verified the spelling and use of Aboriginal language material with community language specialists and have used published dictionaries, where possible, to aid consistency. The suggested resources list on page 240 includes dictionaries that teachers have recommended as helpful.

Please be aware, however, that individuals and communities may follow different spellings and definitions of words and terms that you will find in this book. We recommend that teachers read all sections of the student resource and all activities in the teacher guide prior to using them with students. Careful consideration should be given to the sensitivities of both the student audience and the community.

We encourage students and teachers to defer to local community differences when necessary or appropriate. Aboriginal language speakers, Elders, and cultural advisors are a valuable community resource. Teachers are strongly encouraged to invite them to visit classes to enrich student experience whenever possible. The teacher guide will assist teachers with the correct protocol for issuing these invitations.

How to Use this Book

This textbook helps teach Aboriginal (First Nations, Métis, and Inuit) peoples' history, culture, and issues from the perspectives of Aboriginal peoples. We have made every effort to create a resource that reflects the diversity of Aboriginal peoples in Canada. Several features of this textbook will help guide you through the information.

Chapter Openings

Each chapter begins with a story, interview, document, speech, or other written work of significance to Aboriginal peoples in Canada. These readings provide material to reflect upon as you begin and end each chapter.

Chapter Reviews

Each chapter ends with questions and activities to help you remember, reflect upon, apply, and broaden the knowledge and skills that you gained in the chapter. You will also be given the opportunity to further explore topics that caught your interest.

Indigenous Knowledge

> *[Indigenous or traditional knowledge is] a discrete system of knowledge with its own philosophical and value base. Aboriginal peoples hold the belief that traditional knowledge derives from the Creator and is spiritual in essence. It includes ecological teachings, medical knowledge, common attitudes toward Mother Earth and the Circle of Life, and a sense of kinship with all creatures.*
>
> — Report of the Royal Commission on Aboriginal Peoples

At appropriate points in each chapter, you will be asked to reflect upon what you've read with questions and short activities. This feature will help you make connections between indigenous knowledge, your own ideas, and the topic at hand.

Issues for Investigation

These activities include individual, pair, or group projects that further your knowledge about significant topics or issues. Each investigation encourages you to use a variety of resources for your research, including stories from oral traditions, Elders, and other community members. Each activity helps you to expand your repertoire of skills for learning.

Perspectives

This textbook includes many Aboriginal people's first-hand stories, ideas, viewpoints, and experiences. They appear in the form of quotations that provide you with useful perspectives on the past, present, and future of Aboriginal peoples in Canada. We hope they will help you to shape your own opinions.

Profiles

Profiles showcase Aboriginal people who have made contributions to local, national, and international communities. These people's life experiences, accomplishments, and ideas make them role models worth exploring further.

Symbolism and Expression

Symbolism and Expression activities encourage you to learn about traditional and contemporary forms of Aboriginal creative expression. You will then have opportunities to express your own ideas using these forms of expression.

Talking Circles

Talking Circle activities are designed for group discussion. They make use of Aboriginal traditions for discussion and consensus-building processes and will help you learn an appropriate protocol for conducting talking circles with your classmates.

Timelines and Maps

Detailed maps and informative timelines illustrate and summarize significant topics. You can use the maps and timelines as study aids and as resources for your activities and projects.

ABORIGINAL PEOPLES' NAMES

Throughout history, different names may have been used in reference to specific First Nations, Métis, and Inuit peoples. Some of these names were attributed incorrectly or inappropriately. Others may have been correct, but the Aboriginal group has come to prefer a different name, usually derived from their own language. To the best of our ability, we have used names and terms preferred by contemporary Aboriginal peoples in this textbook.

When you are conducting research, however, you may find different names in history books and Web sites. The following chart, while by no means a complete listing of the First Nations, Métis, and Inuit peoples of Canada, offers some guidance for the correlation of contemporary and historical names of peoples, particularly those that you might find mentioned in this textbook.

Generally Preferred Name	Other Names You May Encounter	Notes
A'aninin (ah-nin-in)	Gros Ventre, White Clay People, Aaninen	United States nation
Ahiarmiut	Cambridge Bay mainland Inuinnait	Sub-group of Inuinnait
Anishinabé (a-nish-na-bay) or Saulteaux (so-tow)	Ojibway, Ojibwa, Anishnaabe, Anishnabe, Bungee	The language is often called Ojibway; in Alberta it is called Saulteaux. Called Chippewa in the United States
Aamskaapipikani	South Peigan, South Piikani, Blackfeet	Refers to United States nation related to Blackfoot Confederacy
Blackfoot Confederacy	Blackfoot	
Cayuga		Member of Six Nations Confederacy
Cree or Nehiyaw	Cris	
Dakota	Sioux	
Dené Tha' (de-nay-thah)	Slavey, Slave, Dene-thah, Dene Dha	
Dene Sųłiné (de-nay-soong-lin-ay)	Chipewyan, Dene Souline, Denesuline	
Dunne-za (da-nay-za)	Beaver, South Slave	
First Nations	Indian, Tribe, Native	
Gitxsan	Tsimshian, Gitksan	
Gwich'in	Loucheaux, Kutchin, Tukudh	
Haisla	Kitimat	
Heiltsuk	Bella Bella	
Innu	Montahfais, Montagnais-Naskapi	
Inuit	Eskimo	
Inuvialuit/Inuinnait	Western Inuit	
Haudenosaunee (how-den-o-show-nee)	Iroquois	Six Nations Confederacy
Kainai	Blood	Member of Blackfoot Confederacy
Kichesiprini	Algonquin	
Kiilinirmiut	Cambridge Bay and Victoria Island Inuinnait	Sub-group of Inuinnait
Ktunaxa (doo-na-ha)	Kutenai, Kootenay	
Kwak'waka'wakw or Oweekeno	Kwakiutl, Kwagiutl, Kwakwawaw, Kwagiulth	

Continued…

Generally Preferred Name	Other Names You May Encounter	Notes
Lakota	Sioux	
Métis	Half-breed, Country-born, Mixed-blood	
Mi'kmaq	Mi'maq, Micmac, Micmaw	
Mohawk		Member of Six Nations Confederacy
Nakoda	Stoney, Assiniboine, Nakota	The Paul First Nation in Alberta prefers the name *Stoney*.
Nakota	Assiniboine, Sioux	
Nisga'a	Nishga, Nisga	
Nlaka'pamux	Thompson	
Nuu-chah-nulth	Nootka	
Nuxaulk	Bella Coola	
Odawa	Ottawa	
Oneida		Member of Six Nations Confederacy
Onondaga		Member of Six Nations Confederacy
Ouendat	Huron, Wendat	
Piikani	Peigan, Pikuni, North Peigan	Member of Blackfoot Confederacy
Puivlirmiut	Coronation Gulf Inuinnait	Sub-group of Inuinnait
Secwepemc	Shuswap	
Seneca		Member of Six Nations Confederacy
Siksika	Blackfoot	Member of Blackfoot Confederacy
Stl'atl'imx	Lillooet	
Tłı̨chǫ	Dogrib	
Tlingit		
Tsilhqot'in	Chilcotin	
Tsuu T'ina	Sarcee, Sarsi	
Tuscarora		Member of Six Nations Confederacy
Wet'suwet'en	Babine Carrier	

In Alberta, the major Aboriginal languages spoken in the province include Blackfoot, two variants of Plains Cree (one sometimes known as Woodland Cree), Dene Sųłiné, Dené Tha', Dunne-za, Métis Cree, Michif, Nakoda, Saulteaux, and Tsuu T'ina. A basic greeting in these languages is included in the chart below, along with Inuktitut, the language of the Inuit. Your teacher can help you to pronounce each of these greetings with a pronunciation guide.

Language	Greeting	Translation
Blackfoot	óki	"hello"
Cree	tân'si	"hello"
Dene Sųłiné	edláneté	"how are you?"
Dené Tha'	dané thé	"hello"
Dunne-za	neeah	"welcome"
Inuktitut	ullaakkut	"good morning"
Métis Cree	tâ'nisi	"hello"
Michif	tánishi	"hello"
Nakoda	abawăstet	"good day"
Saulteaux	ânîn	"hello, how are you?"
Tsuu T'ina	da ni t'a da	"how are you?"

CHAPTER ONE

Inherent Rights

AS YOU READ

This book is about the contemporary political, economic, and social issues that Aboriginal peoples (First Nations, Métis, and Inuit) face in Canada today. Many of these issues involve the protection of various kinds of rights. A right is the authority to act or be treated in a particular way. How would you define *inherent rights*, the title and subject of this chapter? Refer to a dictionary, if necessary, to write a definition in your own words.

The reading that begins this chapter is one of many declarations that you will learn about in this course. It was adopted on July 19, 1975, by the Indian Brotherhood of the Northwest Territories (now called the Dene Nation) at a meeting in Fort Simpson, Northwest Territories. As you read this declaration, make a list of the rights the Dene Nation is asserting. What goals seem most important? Upon what or whose authority does the Dene Nation assert its rights?

FOCUS QUESTIONS

As you read this chapter, think about these questions:

- Who are indigenous peoples?
- What do the terms *inherent rights*, *self-determination*, *self-government*, and *sovereignty* mean?
- What inherent rights do indigenous peoples have?
- What is the difference between collective rights and individual rights?
- How has colonization affected the rights of Aboriginal peoples in Canada?
- How did treaties function in traditional First Nations political systems?

Dene Declaration*

Indian Brotherhood of the Northwest Territories, 1975

Statement of Rights

We the Dene of the N.W.T. insist on the right to be regarded by ourselves and the world as a Nation.

Our struggle is for the recognition of the Dene Nation by the Government and people of Canada and the peoples and governments of the world.

As once Europe was the exclusive homeland of the European peoples, Africa the exclusive homeland of the African peoples, the New world, North and South America, was the exclusive homeland of Aboriginal peoples of the New World, the Amerindian and the Inuit.

The New World like other parts of the world has suffered the experience of colonialism and imperialism. Other peoples who have occupied the land — often with force — and foreign governments have imposed themselves on our people. Ancient civilizations and ways of life have been destroyed.

Colonialism and imperialism is now dead or dying. Recent years have witnessed the birth of new nations or rebirth of old nations out of the ashes of colonialism.

As Europe is the place where you will find European countries with European governments for European peoples, now also you will find in Africa and Asia the existence of African and Asian countries with African and Asian governments for the African and Asian peoples.

The African and Asian peoples — the peoples of the third World — have fought for and won

* *At the request of the Dene Nation, the spelling, capitalization, and punctuation in this document have been reproduced exactly as in the original.*

the right to self-determination the right to recognition as distinct peoples and the recognition of themselves as nations.

But in the New World the native peoples have not fared so well. Even in countries in South America where the Native peoples are the vast majority of the population there is not one country which has an Amerindian government for the Amerindian peoples.

Nowhere in the New World have the Native peoples won the right to self-determination and the right to recognition by the world as a distinct people and as Nations.

While the Native people of Canada are a minority in their homeland, the Native people of the N.W.T., the Dene and the Inuit, are a majority of the population of the N.W.T.

The Dene find themselves as part of a country. That country is Canada. But the Government of Canada is not the Government of Dene. The Government of the N.W.T. is not the government of the Dene. These governments were not the choice of the Dene, they were imposed on the Dene.

What we the Dene are struggling for is the recognition of the Dene Nation by the governments and peoples of the world.

And while there are realities we are forced to submit to, such as the existence of a country called Canada, we insist on the right to self-determination as a distinct people and the recognition of the Dene Nation.

The flag shown here represents the Dené Tha' First Nation in Alberta. What is the function of a flag? With a partner, think of at least three flags and describe what country or group of people each represents. In your opinion, how significant are flags to a group's sense of identity?

We the Dene are part of the Fourth World. And as the peoples and Nations of the world have come to recognize the existence and rights of those peoples who make up the Third World the day must come and will come when the nations of the Fourth World, will come to be recognized and respected. The challenge to the Dene and the world is to find the way for the recognition of the Dene Nation.

Our plea to the world is to help us in our struggle to find a place in the world community where we can exercise our right to self-determination as a distinct people and as a nation.

What we seek then is independence and self-determination within the country of Canada. This is what we mean when we call for a just land settlement for the Dene Nation.

REFLECTION

The Dene Declaration refers to the Dene Nation as part of the fourth world. With a partner, use an Internet search engine to find definitions for the term *fourth world*. Try using *"fourth world" definition* as a search term. How is the fourth world different from the third world (today known by the preferred term *developing world*)? What cultural biases are inherent in terms such as first world and third world? A **cultural bias** is an attitude that favours one culture over another.

Nations, Peoples, and Inherent Rights

AS YOU READ

The Dene Declaration from pages 2–3 states the Dene people's right to be recognized as a nation. It also declares Dene rights to self-determination and independence. How does it define *self-determination?*

This section defines many terms related to rights. These terms will be the foundation of your work in the rest of this course. Each time you encounter a bold-face term, write a definition for it using the information on the page and the glossary at the back of the book.

A NATION IS AN IDENTIFIABLE GROUP OF PEOPLE. HOWEVER, THE CRITERIA USED TO IDENTIFY A NATION VARIES FROM DEFINITION TO DEFINITION. ALTHOUGH ARGUING OVER THE MEANING OF A WORD MIGHT SEEM TRIVIAL, DEFINING THE factors that unite a group of people into a nation is key to understanding the kinds of rights that group is able to exercise.

One definition of nationhood involves a sense of common identity. The Haudenosaunee (Iroquois) word for the concept of nation, *kanakerahsera*, has the root *naker*, which means "to be born." Similarly, the English word *nation* is from a Latin word meaning "birth." In both languages, the concept of nation flows from a sense of birthright and family. In this view, a nation is a group of people who share common kinship, culture, history, language, beliefs, and values. This sense of nation links people by identity, but not necessarily physical location or territory.

Indigenous peoples from around the world further their rights by co-operating and learning from one another. Here, Grand Chief George Manuel of the Secwepemc (Shuswap) First Nation greets a delegation of Ainu women from Japan in the late 1970s. The Ainu are indigenous to the Japanese island Hokkaido. The women were part of a delegation from Japan sent to learn about First Nations in Canada. George Manuel spent much of his life helping indigenous peoples around the world. Learn more about George Manuel and write a two-page profile of his life and work.

A different definition maintains that a nation is a group of people occupying a particular territory with a common government. For example, Canada and the United States each have a distinct territory and independent government. Each is a nation that includes people with a variety of languages, cultural identifications, beliefs, and historic ties of kinship.

Neither of these definitions easily includes all **Aboriginal peoples** in Canada: **First Nations**, **Métis**, and **Inuit**. Some Aboriginal peoples that share a territory have a sense of common identity, such as the Inuit in the Arctic or First Nations with reserves. Other people who share a territory have different cultural identities, such as First Nations and Métis people in the Northwest Territories. Still others, like the Métis of western Canada, share a sense of identity, but lack a common territory.

INDIGENOUS PEOPLES

A discussion of nations and their rights is not limited to Canada. Aboriginal peoples are indigenous to Canada, but indigenous peoples exist all over the world. **Indigenous peoples** originate from a particular territory, which they consider their

place of origin and their homeland. They are descendants of the land's original inhabitants. Aboriginal languages have their own ways of defining indigenous peoples. Nehiyaw (Cree) describes indigenous peoples as *ota ê-kî ahikoyahk kisê manitô*, which means "where the Creator placed us." Blackfoot describes indigenous peoples as *Iitoomitsipo'toaiksi*, *iitoomita'pawa-awahkaiksi*, or "those who were put here first, those who were here first."

Indigenous peoples stand in contrast to immigrants, who move from one territory to make a new home in another territory. In some cases, immigrants are supported by their homeland in an effort to colonize the new territory. **Colonization** is the attempt to control another country and transform it into a replica of the colonizing country.

A significant difference between indigenous and immigrant peoples is illustrated by the following example, often used by Aboriginal peoples to explain the importance of preserving their languages. Immigrants to Canada might lose their languages, but could always return to their original countries to re-learn them. Their languages have their origins in other places. For Aboriginal peoples, Canada is their original country. Aboriginal languages that cease to exist in this country become extinct.

The word *nation* is sometimes used interchangeably with the word *people*. Used in this way, *people* is not the plural of *person*, referring to a group of individuals. In this special meaning, *people* is the group as a whole. A people has special rights recognized by international law. When we use the term *indigenous peoples*, we mean indigenous nations — the groups who were first to inhabit specific territories around the world.

Around the world, each indigenous people has a different culture, history, and contemporary situation. The term *indigenous peoples* is broad and includes diverse groups. For example, some indigenous people, such as the Sámi people from northern Europe, are Caucasian, unlike many other indigenous peoples around the world. In Canada, because of their unique history and the language used in Canadian legal documents, indigenous peoples are more commonly referred to as Aboriginal peoples. *Aboriginal peoples* is an umbrella term that includes highly diverse First Nations, Métis, and Inuit groups.

Indigenous Knowledge

Indigenous communities, peoples, and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions, and legal systems.

— United Nations Special Rapporteur J. Martinez Cobo

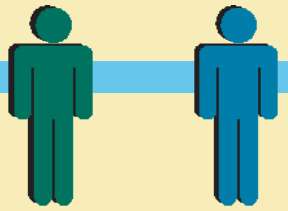
According to Martinez Cobo, what history do indigenous peoples share? What goals for the future do they share? Why do they have these goals?

A SUMMARY OF COLONIAL HISTORY IN CANADA

As you learned from the words of United Nations Special Rapporteur J. Martinez Cobo on page 5, indigenous peoples around the world have histories of colonization by other nations. Pages 6–7 review the history of the relationship between Aboriginal peoples and the governments that colonized Canada. Each group of Aboriginal people in Canada was affected differently by colonial policies, so all aspects of this summary do not apply to all Aboriginal groups. You will learn more about the specific experiences of First Nations, Métis, and Inuit peoples in later sections of this textbook.

The information on these pages is adapted from *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples*, which was published in 1996. It summarizes many centuries of history into four stages.

Most of this information is likely a review of material you learned in other courses. If this history is unfamiliar, do some of your own research. You might start by reading the full Royal Commission highlights document at *www.ainc-inac.gc.ca.*



Stage 1: Separate Worlds

There was a time when Aboriginal peoples (First Nations and Inuit) in the Americas and European peoples lived on separate continents and knew nothing of one another. Before 1500, societies in the Americas and in Europe developed along separate paths. The differences in their languages, cultures, and social traditions were enormous. On both sides of the Atlantic, independent peoples with their own social, economic, and political systems flourished and grew.

Stage 2: Nation-to-Nation Relations

In the years after first contact, First Nations and European nations developed fragile relations of peace, friendship, and rough equality. Cautious co-operation, not conflict, was the theme of this period, which lasted into the eighteenth or nineteenth century, depending on the region. Early contact unfolded roughly as follows:

- mutual curiosity and apprehension
- an exchange of goods, tentative at first, then expanding steadily
- barter and trade deals, friendships and intermarriage, creating bonds between individuals and families
- military and trade alliances, creating bonds between and among nations

For the most part, First Nations and European nations saw each other as separate, distinct, and independent. Each was in charge of its own affairs. Each could negotiate its own military alliances and trade agreements. This co-operation was seen in treaties, both those in writing and those recorded by First Nations oral history and wampum belts, as well as in the Royal Proclamation of 1763.

Stage 3: Respect Gives Way to Domination

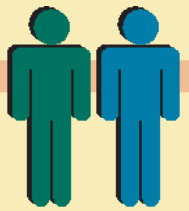
In the nineteenth century, power tilted towards Euro-Canadian peoples and their governments. European settlers displaced First Nations and Métis peoples from much of their land and tried to impose European ways upon them. Euro-Canadian peoples gained power during this period from four changes that were transforming the country:

- The population mix was shifting to favour settlers. Immigration continued to add to their numbers, while disease and poverty diminished Aboriginal nations. By 1812, immigrants outnumbered Aboriginal people in Upper Canada by a factor of ten to one.

- The fur trade was dying, and with it the old economic partnership between traders and trappers. The new economy was based on timber, minerals, and agriculture. It needed land — not labour — from Aboriginal peoples, who began to be seen as impediments to progress instead of valued partners.
- Colonial governments in Upper and Lower Canada no longer needed Aboriginal nations as military allies. The British had defeated all competitors north of the forty-ninth parallel. South of it, the United States had fought for self-government against the British and won. The continent was at peace.
- An ideology proclaiming European superiority over all other peoples on Earth was taking hold. Europeans travelled throughout the world, taking charge of colonies to add to their countries' wealth. The ideology of superiority provided a rationale for policies of domination and assimilation that slowly replaced policies of partnership in the North American colonies.

Ironically, the transformation from mutual sovereignty to domination by Euro-Canadian laws and institutions began with the documents of the era of nation-to-nation relations: treaties and the Royal Proclamation of 1763. These documents offered First Nations peace and friendship, respect and some degree of equality, but also "protection."

The government's policy of protection was the leading edge of domination. At first, it meant preservation of First Nations lands and cultural integrity from encroachment by settlers. Later, it meant assistance, which in reality meant help in assimilating into Euro-Canadian settler society. Policies of protection took the form of compulsory European-style education, economic adjustment programs, social and political control by federal agents, and more.



Stage 4: Renewal and Renegotiation

Policies of domination and assimilation battered traditional Aboriginal institutions, sometimes to the point of collapse. Poverty, ill health, and social disorganization grew worse.

Resistance to assimilation went underground. In the fourth stage of the relationship, resistance caught fire and began to grow into a political movement. One stimulus was the federal government's White Paper on Indian policy, issued in 1969.

First Nations were nearly unanimous in their rejection of the proposed changes. With Inuit and Métis communities, they began to realize the full significance of their cultural survival in the face of sustained efforts to assimilate them. They began to see their struggle as part of a worldwide human rights movement of indigenous peoples. They began to piece together the legal case for their continuity as peoples — nations within Canada — and to speak out about it.

This is the stage of contemporary Aboriginal political, economic, and social renewal in Canada.

REFLECTION

1. As a class, discuss each of the four stages, contributing additional information that you know from other courses or reading that you have done. In particular, think about how First Nations, Métis, and Inuit people's experiences differed from one another.
2. How useful do you find the Royal Commission's summary? Does it adequately portray the changing relationship between Aboriginal peoples and other Canadians? Would you divide the history into different stages or represent the history in a different way? If so, how and why would you do this?
3. Research background on the Royal Commission and prepare a summary that answers the following questions: Who? What? When? Where? Why? How?

HUMAN AND ABORIGINAL RIGHTS

The period of renewal and renegotiation described on page 7 gained momentum in the 1970s, but actually began many years earlier. It began with a fundamental change in the way colonizing countries viewed colonized nations.

This change in attitude was expressed on December 10, 1948, when the United Nations adopted the Universal Declaration of **Human Rights**. This declaration asserted that no cultures and no individuals are superior to any others. The declaration stated that all people are equal and deserving of rights and dignity. These human rights are above any rights guaranteed by a constitution, set of laws, or government. A person has these rights simply by virtue of being human. Human rights are an inherent part of human existence.

Throughout colonial history, Europeans had acted under the belief that societies with more advanced technologies also had people who were more advanced. In centuries past, when European countries colonized new territories — Asia, Africa, and the Americas — they felt justified, under this belief of superiority, in attempting to change, control, or destroy the cultures they encountered.

To a great extent, World War II changed this thinking. In Germany, the Nazi government's extreme **racism** proclaimed that Aryan (non-Jewish Caucasian) people were genetically superior to others. These beliefs led to the systematic murder of millions of people. Individuals and countries around the world were horrified. Even before the war ended, a group of nations were working together to try to prevent anything similar from ever happening again.

In 1945, fifty-one countries formed the United Nations. According to the declaration of human rights adopted three years later, all peoples have the right to determine their own political, economic, social, and cultural futures without external interference from other nations.

In the years following World War II, most European colonial empires were dismantled, creating many more independent countries in the international community. European countries were recovering from an expensive war and could no longer justify having colonies — financially or politically. Nor could they justify them morally in the face of changing attitudes about equality and human rights.

Some countries, such as India, Sri Lanka, and Burma, became independent, as they had been before European colonization. Other countries, such as many of those in East and West Africa, were created from groups of formerly independent territories or kingdoms.

Indigenous Knowledge

Despite the Universal Declaration of Human Rights, the situation for indigenous peoples around the world did not always change for the better. In response, the United Nations issued its Draft Declaration on the Rights of Indigenous Peoples in 1989. The statement has been revised many times. With a partner, use the Internet to find copies of the Universal Declaration of Human Rights and the most recent Draft Declaration on the Rights of Indigenous Peoples. How do the two documents compare?

In other parts of the world, such as the United States and Canada, the situation for indigenous populations remained unchanged. Aboriginal peoples in North America were not recognized by the world community as independent nations.

Aboriginal Rights

In the civil rights movement of the 1960s, African Americans demanded to have the same rights as other American citizens. This inspired Aboriginal peoples to make their own demands. In the United States, the American **Indian** rights movement expressed the rights of indigenous peoples in that country.

In Canada, First Nations, Métis, and Inuit political groups gained strength in their assertion of Aboriginal rights. **Aboriginal rights** belong to a group of people because of their position as indigenous peoples. They and their ancestors have a long history of occupying and using the land. This history entitles them to certain cultural and land rights.

The Aboriginal rights movement gathered momentum during the 1960s, but Aboriginal peoples' demands for self-determination began much earlier. For example, Métis calls for autonomy date back to the Red River settlements in the early nineteenth century. Many people consider the Battle of Seven Oaks in 1816 as the beginning of Metis nationalism. Leaders from the Six Nations Confederacy have declared their independence from British and Canadian authority since the late eighteenth century. Throughout Canadian history, First Nations, Métis, and Inuit groups have resisted Canadian government policies and legislation in ways that range from quiet **resistance** to armed conflict.

In 1923, a Cayuga chief named Deskaheh travelled to Geneva, Switzerland, to visit the League of Nations. Following World War I, the league was formed to resolve disputes between countries. Deskaheh asked the league to support the Haudenosaunee right to independence from Canada. Why do you think Deskaheh is wearing a feathered headdress that is part of Plains First Nations cultures, not his own?

Most Aboriginal rights involve land. A **land claim** is when a group of people asserts its right to title or other rights regarding certain territories. **Aboriginal title** is a legal right to the exclusive use and occupancy of a specific territory, which is usually ancestral land. Both these terms will be explored in more detail in Chapters Three and Four.

Indigenous Knowledge

Research the basic history of the American civil rights movement using a resource such as an encyclopedia. As a class, compare demands for equal rights to demands for Aboriginal rights. How are these rights different?

COLLECTIVE AND INDIVIDUAL RIGHTS

All Aboriginal rights are **collective rights**, which means they belong to a group of people. For example, the traditional knowledge of a particular First Nation or Inuit group belongs to the whole group, including ancestors of the group and those who are yet to be born into the group. Traditional knowledge includes generations of experience with aspects of life such as the behaviour of animals, seasonal change, traditional medicines, and plant cycles. A few individuals in a group might be entrusted with this knowledge, but the information itself is collective property.

In Blackfoot, the concept of a collective right to land is described as *O'kiowaissksaahko. Kimaatotamsksaahkoominnoona. Manaakitapiiwa mattsito'tohkoikiwai.* (The land is collectively owned by our people. It is not ours alone. The ones who have not yet been born have a right to it, too.) In the Cree language, a similar concept is expressed by *Kisê manitô ôta ê-kî ahikoyahk ta nâkatteyihtamahk ôma askiy.* (The Creator has placed us here to look after this land.) The Dene Sųłiné say *Setsune adi nuhni theh dją nahide hih.* (Grandmothers say that this is our land. The Dene Sųłiné are the first people of North America.)

In contrast, cultures based on Western European philosophical thinking tend to define rights in individual terms. **Individual rights** protect people's ability to pursue their lives in their own self-interest. This worldview asserts that what is good for an individual might not be good for the group. For example, individuals living on the land might want to hoard food to make sure they have enough to survive a long winter, even if this means other people in their group will not have enough to eat.

In reality, most governments protect people's rights to pursue their own interests only as long as this pursuit does not infringe upon other people's ability to do the same. The purpose of a government is to ensure balance between various individual self-interests. If the act of hoarding food did not prevent other people from hoarding their own food, that right would be protected.

Traditional Aboriginal forms governance did not distinguish between individual self-interest and the interests of the group. They were seen as one and the same. Individuals who act against the good of the group would be perceived as acting against their own interests as well.

Using the example of the individual hoarding food, such selfishness would be perceived as a foolish depletion of the individual's support network. What if the individual survived the winter, but became sick or injured and unable to hunt in the spring? Without the support of the group, the person might not survive.

The collective rights that belong to an Aboriginal group vary from nation to nation and community to community, depending on their history and culture. For example, one First Nation may have an Aboriginal right to fish, while another may have a right to hunt moose. Aboriginal leaders maintain that these rights include everything necessary to live

a good life, including rights to land and the right to preserve language, values, and political, economic, cultural, legal, and spiritual systems. In the Canadian legal system, Aboriginal rights are defined on a case-by-case basis by the courts. Chapters Two, Three, and Four explore the implications of this process.

INHERENT RIGHTS

Aboriginal rights are inherent rights. **Inherent rights** cannot be taken away, transferred, or surrendered. Inherent rights cannot be given, but can be recognized, by a government. These rights are sometimes called **inalienable** rights.

Aboriginal leaders often stress that their nations have the inherent right to **sovereignty**, or independence, and have had this right from time immemorial. The right was never lost, although the ability to exercise the right may have been.

Some people misunderstand and respond negatively to a demand for sovereignty, seeing the demand as the desire to separate from Canada. Most Aboriginal leaders do not want to pursue separation, but want to prevent the federal government from imposing rules upon or interfering in Aboriginal ways of life.

Perhaps because sovereignty can be a controversial term, most Aboriginal leaders call instead for the right to self-determination. **Self-determination** allows control over such areas as education, cultural preservation, economic development, and government. Self-determination is ultimately the right of a nation to determine its own future.

Many leaders frame this demand as the desire for self-government, through which they hope to achieve all the goals of self-determination. **Self-government** is a community's right to make decisions about matters internal to the community. It is also the most common means of achieving self-determination in Aboriginal communities today, and has become an integral part of land-claims negotiations.

A Declaration of First Nations

We the Original Peoples of this land know the Creator put us here.

The Creator gave us laws that govern all our relationships to live in harmony with nature and mankind.

The Laws of the Creator defined our rights and responsibilities.

The Creator gave us our spiritual beliefs, our languages, our culture, and a place on Mother Earth which provided us with all our needs.

We have maintained our Freedom, our Languages, and our Traditions from time immemorial.

We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the land upon which we were placed.

The Creator has given us the right to govern ourselves and the right to self-determination.

The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other nation.

— Assembly of First Nations

LOOKING BACK

Create a concept map that shows relationships between all the bolded words in this section. Add details or examples that will help you remember what each concept means.

Independence and Interdependence

AS YOU READ

When Europeans first arrived and began to explore North America, the First Nations and Inuit peoples they encountered had diverse political, economic, social, and spiritual systems. Each group was an independent nation. Relationships between groups were conducted accordingly, with nation-to-nation negotiations and agreements.

For many years, European nations worked within these systems. Until the end of the eighteenth century, Europeans, First Nations, Inuit, and later Métis people, negotiated relationships with one another as independent nations. Pages 12–18 describe traditional First Nations ways of thinking about their world and the place of other nations within it. As you read, make a list of the values that underpin this view of the world and how agreements between different nations showed these values.

A worldview is the perspective from which a person perceives, understands, and reacts to the world around them. An individual's worldview is shaped by age, gender, experience, family history, and language, among other characteristics that make individuals unique. However, people from the same culture tend to share relatively similar worldviews. This results from a shared cultural history, spiritual or religious beliefs, language, institutions, geographic environment, and other factors.

First Nations and Inuit oral traditions include creation stories, such as the one represented by Bill Reid's sculpture The Raven and the First Men. *Creation stories explain how First Nations and Inuit peoples came into existence and how they and other elements of creation should live on the land. Find the Haida creation story represented by this famous sculpture and compare it to a creation story from a local First Nation. How do the stories show the people to be an indigenous part of their land?*

There is no single First Nations culture or worldview. First Nations differ from one another just as European nations differ from one another. That said, First Nations cultures share many general features in their approach to the world. Inuit people and some Métis people share similar cultural beliefs. Despite the similarities, keep in mind as you read this section that each Aboriginal group has its own way of expressing these beliefs through unique symbolism, customs, and institutions.

This discussion focuses upon **traditional** First Nations worldviews, which were those common before regular contact with European cultures began in the sixteenth century. Some traditional First Nations people today hold beliefs that stem back to this time period.

In general, First Nations worldviews are **holistic**. This means they focus on the whole of creation, rather than on individual parts of creation, such as humans. In this sense of the world, people are simply one part of the universe, no more or less important than any other. The Creator put humans on Earth and provided everything needed to live a good life. In return, humans are required to respect **natural laws**. Natural laws are those that can be learned over generations by closely observing how the natural world works.

Although each First Nation traditionally lived in a specific territory, it did not see itself as the owner of the land in the European sense. Nations, clans, and family groups sometimes asserted control

over their **traditional territory** — determining who could hunt or farm there, for example — but the concept of individual land ownership was alien. Rather, traditional beliefs hold that the people and the land are intertwined, along with other living things and spirits — all living under the Creator's laws.

The Creator's teachings are reinforced through the **oral tradition**, which is the collection of spoken words that pass down a culture's teachings from generation to generation. This tradition is the philosophical basis of First Nations cultures.

A holistic attitude applies to interpersonal relationships as well. As you learned in the discussion of collective rights on pages 10–11, First Nations cultures traditionally focus on the interests of the group rather than the interests of the individual.

This worldview translates into economic practices of sharing and **mutual support** — key strategies for living on the land. Each person depends on others and in turn is depended upon. By supporting one another, the group as a whole is stronger. Individuals are seen as **interdependent** components of a whole.

Politically this worldview translates into practices such as **consensus** decision making and community participation. Decisions made through consensus are reached through discussion and general agreement among members of a group, rather than by voting or the will of the strongest. Individuals have **personal autonomy** — independence, or the freedom to choose their own course of action. Leaders are supported by their community because of their wisdom, rather than their ability to coerce others. Harmony depends on balance between personal autonomy and the needs of the group, or independence and interdependence.

Under Cree law, the traditional lands of the Pimicikamak people do not belong to them. Rather, the people belong to the land. They are the stewards of the land. The land provided the means of their survival since the last Ice Age more than 10 000 years ago.

— Pimicikamak Cree Nation, *Power Positive Project: Legal and Human Rights Issues*

Our roots are deep in the lands where we live. We have a great love for our country, for our birthplace is here. The soil is rich from the bones of thousands of generations. Each of us was created in these lands and it is our duty to take great care of them, because from these lands will spring the future generations of our peoples. We walk about with great respect, for the Earth is a very Sacred Place.

— Sioux, Navajo, and Iroquois Declaration, 1978

The cultural importance placed on living in harmony within a group was traditionally extended to other nations. First Nations recognized and respected each other's right to exist, make decisions, and pursue ways of life according to different spiritual and cultural beliefs. Most First Nations have traditional practices of non-interference in the affairs of other nations. In return, they expected the same respect from others. For example, most groups respected one another's traditional territories. Where conflicts occurred, **treaties** were a traditional method of resolving problems. Treaties are agreements between sovereign nations.

EARLY TREATIES

First Nations had always encountered other groups, whether through trade, exploration, or seasonal **migrations**. Such encounters sometimes led to conflict, but more often to a peaceful exchange of goods, ideas, and values.

Some treaties ended war, while others affirmed trading ties and promoted marriages among families of different nations. The principle of mutual respect governed all treaties. Each participant in a treaty process treated other participants with respect in a reciprocal relationship of giving and taking. Treaties worked well between First Nations because participants generally shared a similar worldview.

As in Europe, some First Nations treaties settled conflicts about land. However, First Nations land disputes were significantly different from European land disputes. First Nations conflicts involving land generally concerned use of the land's resources, not ownership of the land itself. Such ownership was not even possible in traditional First Nations worldviews. Treaties sorted out how each nation would relate to each another and the available resources.

Early treaties (those before European domination in North America) reflect traditional First Nations values and goals for relations with other peoples: mutual respect, independence, and interdependence between sovereign groups and the land.

The Great Law of Peace

One of the most famous treaties between First Nations was the Great Law of Peace. Sometime before 1450, the Haudenosaunee nations of the Mohawk, Oneida, Onondaga, Cayuga, and Seneca agreed to form a **confederacy** in which each nation would live with the others in peace and harmony. Before this agreement, these nations had endured years of conflict: nation against nation, village against village, clan against clan.

According to Haudenosaunee oral history, a prophet named Dekanawideh (Peacemaker) came across Lake Ontario, from the north, to deliver a vision of peace and union to the Haudenosaunee. Some stories have him travelling in a white stone canoe so that others would see proof of his message's power. Despite this proof, he was unable to convince any Haudenosaunee leaders to heed his word. Some stories say that Dekanawideh travelled with his message of peace for over forty years before finding success. Most versions of the story say a woman named Jikonsahseh took Dekanawideh in and fed him. She was the first to accept his message of peace and she encouraged him to continue his mission.

The first leader to accept Dekanawideh's message was Hiawatha, a Mohawk-Onondaga man who was searching for an alternative to the conflict hurting his people. Over time, Dekanawideh and Hiawatha spread the message of peace throughout Haudenosaunee lands. They won over their last opponents at a great assembly of leaders on the southern shore of Onondaga Lake.

The Great Law of Peace this assembly agreed upon became the founding constitution of North America's first federal democracy. A **constitution** is a set of institutions and principles that govern a country or group of people. The Haudenosaunee Confederacy and

its constitution is thought by many to be one of the models used by the men who framed the United States constitution many years later.

The Great Law of Peace defined the rights of individuals and the rights of member nations. Each nation was considered independent. The Grand Council of the Confederacy was established as a forum to discuss issues of common concern, such as resolving disputes or defence. Each nation was represented by its leader in the Grand Council, and each leader was considered equal to the others.

Leaders did not vote, and instead discussed all issues until consensus was achieved. Even if it took time, concensus was the only way a decision could be made. This kept harmony between the nations because there was never a dissenting minority.

Besides defining the rights and responsibilities of the confederacy government, the Great Law of Peace also outlined the rights of foreign nations and the rights of war. Foreign nations had the right to a national territory, to join the confederacy, and to promote peace with member nations. In times of war, the confederacy had the right to self-defence, to occupy the territory of an enemy, and to establish treaties of peace and friendship.

The Great Law of Peace was recorded in the Hiawatha Belt, a series of belts and strings made of wampum, which are beads made of shell. Wampum belts and strings were used to to record significant events and agreements. In 1722, the Tuscarora people entered the confederacy and it became known as the Six Nations Confederacy.

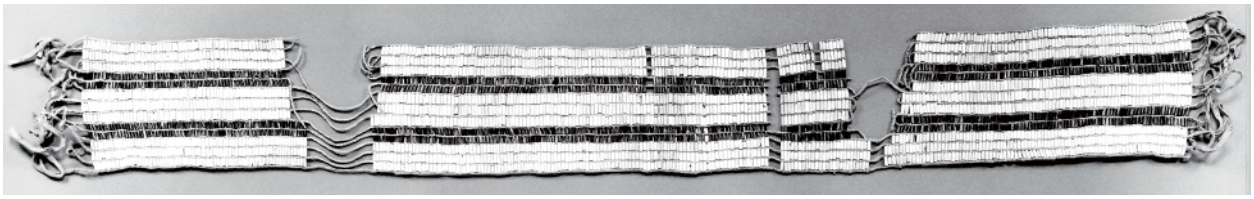
The territories shown for each nation of the confederacy are main areas of occupation. Each nation also used the resources of a wide surrounding region.

Indigenous Knowledge

A photograph of the Hiawatha Belt is inset in the map of the Confederacy of Five Nations. From left to right, each figure on the belt represents the original five nations of the confederacy from west to east. The nations are joined by a bar that links them all. How does the wampum belt's symbolism reinforce principles of independence and interdependence?

The Guswentah (Two Row Wampum) Treaty

One of the earliest treaties between First Nations and Europeans was the Guswentah (Two Row Wampum) Treaty of 1645. It was the first treaty the Haudenosaunee Confederacy negotiated with Europeans. The Dutch wanted to establish a trading fort on Haudenosaunee lands, so the confederacy proposed a treaty of mutual respect and peaceful co-existence.



One dark row of the Guswentah Treaty wampum belt represents a canoe and the other a European sailing ship. Each vessel is symbolic of the people's customs and laws. The parallel paths on the belt mean that the nations should remain separate and equal forever.

According to the Two Row Wampum Treaty, the nations declared their intention not to interfere in each other's internal affairs. The treaty recognized the rights of each nation to maintain its own traditions, customs, values, and ways of living. In addition, the treaty allowed the nations the right to establish relationships with other groups in accordance with their own laws, traditions, and customs. In other words, the treaty established a relationship, but allowed each people to retain complete political, economic, and cultural independence.

After much discussion and debate, the Grand Council of the Confederacy approved the treaty. The Grand Council declared that the treaty was an expression of the right of the confederacy to retain its full independence and sovereignty as a nation. The terms of the treaty were symbolized by two rows of purple beads on a wampum belt.

This treaty became the standard of all future treaties between the Haudenosaunee and European nations. For example, in 1674, the British accepted the Guswentah Treaty when they took over the Dutch colony. In 1701, in Montreal, the Haudenosaunee signed a treaty of peace and mutual understanding with the French, ending almost a century of hostilities.

With the Treaty of Fort Stanwix, signed in 1768 between the British and the Haudenosaunee, the **Crown** tried to honour the spirit of the Guswentah Treaty. It sought to end the sale of traditional Haudenosaunee lands to British settlers without the British monarch's approval. Unfortunately, the treaty did not stop settlers from seizing First Nations land. Britain was losing control of settlers in its Thirteen Colonies, which are now part of the United States.

When the Thirteen Colonies rebelled against British rule in 1775, some Haudenosaunee joined the American side against the British. Others sided with the British. However, most Haudenosaunee did not view the conflict as their own and refused to take sides. Some American rebels saw this neutrality as support for the British, and drove thousands of Haudenosaunee from their homes.

In 1794, following the end of the War of American Independence, the American government signed a treaty with the Haudenosaunee. The Canandaigua Treaty is the only formal agreement signed between the United States and the Haudenosaunee Confederacy. In it, the United States agreed to respect Haudenosaunee territory. All Haudenosaunee nations sent representatives to the treaty signing and accepted the agreement with a large wampum belt. Today, Haudenosaunee nations view the Canandaigua Treaty as the United States's admission that the Haudenosaunee Confederacy is a sovereign nation.

Agreement of 1844

In the early 1840s, the Dakota Nation had come to resent the Métis people living to the north. Both peoples relied on the buffalo hunt for their livelihood. For the Dakota, the animal also had great spiritual significance. Around this time, Métis people were hunting larger numbers of buffalo for trade and food for the expanding Red River settlements. This led Métis hunters farther south into traditional Dakota hunting grounds.

Dakota resentment built up until one day a dozen Dakota hunters killed Métis hunter Louison Vallé after finding him and his son cutting up a buffalo in Dakota territory. The Métis retaliated by killing eight Dakota. The matter was settled that year through negotiation between Métis leaders and one of the Dakota Nation's leaders. The peace did not last.

During the 1844 buffalo hunt, Cuthbert Grant, leader of the Métis hunt, witnessed several conflicts between Métis and Dakota hunters. After the hunt, four Dakota leaders sent a letter to Grant requesting compensation for the deaths of sixteen young men.

In reply, Grant refused compensation, but offered peace. The excerpt that follows is from the response by the Dakota leaders who accepted Grant's offer.

> *Friends, — I, the afflicted father of one of the young men killed by you, wish that he who killed my son should be my son in his stead. He had two feathers on his head. Ne Tai Ope*
>
> *Friends, — Among the young men killed by you, I have a nephew. He who killed him I wish to be my nephew. He was the smallest of all the unfortunates.*
>
> *Friends, — You killed my son, he was brave, San-be-ge-ai-too-tan. He who pointed the gun at him, I wish to be my son. He had a feathered wand in his hand. I send it by Lange [the messenger] to my adopted son. Tah Wah Chan Can…*

Following First Nations traditions of forming **alliances**, or partnerships, the leaders most offended by the conflict — those who lost family — offered to accept their enemies as kin. Kinship ties, whether through adoption or marriage, were traditionally one of the most significant means of forming alliances between groups. The system of mutual support and interdependence between individuals within one nation would extend to relationships between nations.

The peace agreement was tested the following year. During the 1845 hunt, a Métis hunter killed a Dakota hunter. Grant had the Métis man arrested. He was convicted and hanged for his crime. Grant's word and the agreement stood.

Cuthbert Grant, Jr., was born in 1793 in Red River. His father, Cuthbert Sr., was a partner and trader with the North West Company. His mother was a Métis-Cree woman.

Indigenous Knowledge

Research the life of Cuthbert Grant and his contributions to the Métis Nation. From the perspective of someone who lived in his community, write a tribute to Grant as a leader. The tribute could be in a letter or speech.

Issues for Investigation

EVALUATING EARLY TREATIES

Contemporary Aboriginal demands for self-determination and self-government often refer to early treaties as examples of Aboriginal people's historic sovereignty over the land. Early treaties followed traditional First Nations leadership and governance practices rather than European customs. All treaties, whether signed by European nations or First Nations, have the same legal status in international law.

Do early treaties support the right to self-government?

WHAT TO DO

1. Form groups of three or four students. Imagine that your group is to make a presentation to a Royal Commission on Self-Government. Your job is to research the circumstances of an early treaty between First Nations or between First Nations and European nations. Try to answer each of the questions that follow in your research:
   - What groups were involved in the treaty?
   - Were their worldviews different or similar? Explain.
   - What were reasons on both sides for supporting the treaty? Were goals compatible?
   - What were immediate results of the treaty?
   - What is the treaty's significance today? Analyze any long-term effects. Some effects may be indirect. For example, the Haudenosaunee were an influential force in the early fur trade because the Great Law of Peace had made their confederacy so strong.
   - How did the treaty recognize independent First Nations governments?
   - How did the treaty recognize inter-dependence between sovereign nations?
   - How does independence and interdependence reflect traditional First Nations worldviews?
2. Compile your research in a concisely worded one-page document that can be read aloud to the Royal Commission. Select one member of your group to present your findings to the rest of the class.

Thinking About Your Project

As a class, discuss whether you think early treaties reinforce contemporary Aboriginal rights claims. List specific examples.

LOOKING BACK

Refer to the notes you began making on page 12 about the values governing early treaties. What kinds of expectations towards the treaty process might these values create? What kinds of rights are guaranteed by these early treaties? How are these rights related to independence and interdependence? Before moving to the next section, create a timeline of events discussed in this chapter so far.

Colonization

At the time of first contact with North America's inhabitants, European cultures could not have been much more different from First Nations and Inuit cultures. In the sixteenth century, European cultures were in the midst of radical changes. For centuries, most of Europe had operated under a **feudal** system. This meant that countries had monarchs, but power was spread out among the nobility. Nobles ruled over large estates and peasants worked for the nobles or paid them taxes for use of the land. It was a hierarchical system with little or no opportunity for advancement. People were born into and lived their lives in rigid social classes.

By the 1600s, however, power had become much more concentrated in the hands of monarchs, and nations had become much more clearly defined. As the power of monarchs grew, so did their ambition. They began to look beyond their borders, and even beyond their continent, in the quest for greater power, influence, and resources. The age of **imperialism** had begun. European countries began to acquire colonial empires around the world. The colonies were considered possessions; their purpose was to contribute to the mother country's wealth and prestige.

Most Europeans in the sixteenth century shared a worldview: they saw themselves as entitled to power over non-Europeans. In their view, European cultures represented the peak of human civilization and military strength.

AS YOU READ

The Guswentah Treaty's terms of peace and friendship were typical of early treaties between First Nations and European nations. In the 1600s and 1700s, Europeans wanted to ensure friendly relationships with the Aboriginal peoples who surrounded and outnumbered them. Europeans often depended on these nations to assist them with their military goals towards other European nations on the continent. They also wanted Aboriginal peoples as trading partners.

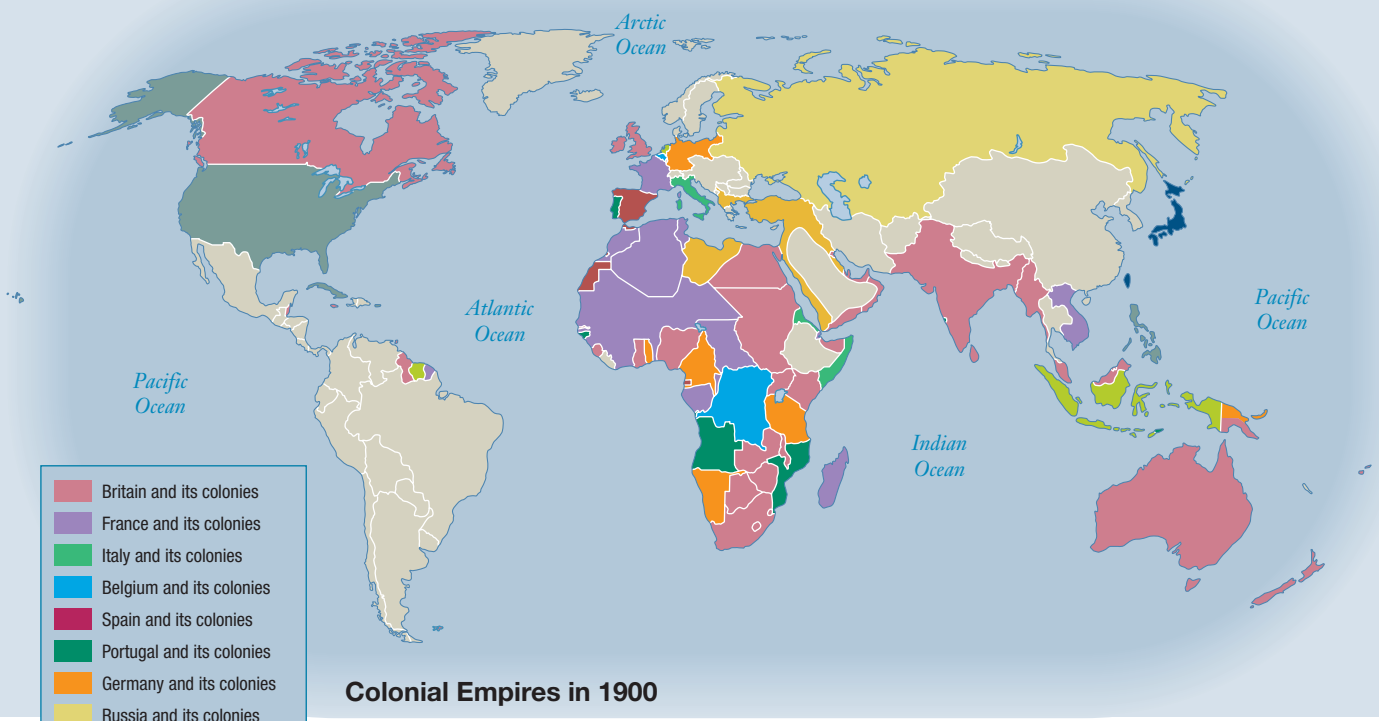
Underneath this peaceful co-existence, however, lay significant differences in worldview. By the mid 1800s, those differences started to become more apparent. As you read this section, add to the timeline you began on page 18.

Their concept of time was linear, with their countries at the leading edge of progress. The rest of the globe was theirs for the taking, to be divided up among the strongest and best.

This worldview reflected the concept of Social Darwinism. Social Darwinism proposed that the evolutionary theories of the naturalist Charles Darwin (1809–1882) could be applied to human society. According to this belief system, people who get ahead in society are the most fit and deserving. Inequality is a natural condition of life.

In general, European belief in their own superiority was so firm that colonial powers felt they were doing the rest of the world a favour by spreading European culture far and wide.

Different cultures can successfully co-exist under the right conditions. First Nations and Inuit peoples had managed this for centuries. Problems emerge, however, when one culture views itself as superior to another. Once a nation decides



Colonial Empires in 1900

The system of colonial empires shown on this map was not dismantled until after World War II. Consider the importance of geography in the development of colonies. Why do you think Africa had so many different colonizing countries? Why did North America have relatively few?

that it is inherently better than others, it tends to respond in one of two ways. Either it dominates and exploits nations it considers inferior, or it tries to "help" them, which usually means coercing the colonized to be more like the colonizers.

Many colonizers saw themselves as performing God's work. Christian churches believed they had both a right and a duty to convert non-Christians to their faith. Along with political colonization, European nations pursued religious colonization. They saw non-Christians as those needing spiritual salvation — by force, if necessary. The Roman Catholic church placed a particularly high priority on converting people with other belief systems.

CLASHING WORLDVIEWS

When Europeans and First Nations in North America began to interact regularly in the early sixteenth century, they were curious about one another. They quickly recognized that the other peoples and cultures were significantly different from their own.

Despite these differences, a mutually beneficial relationship grew over time. Each group had something to offer the other. The Europeans brought trade goods that made First Nations peoples' lives easier. First Nations helped early settlers survive and their land supplied them with natural resources. Each group contributed knowledge to the other with benefits to all. Over time, they developed many agreements and alliances that led to relatively peaceful co-existence. A new people — the Métis — were a result of this partnership at the social, economic, and personal levels.

Beneath this relationship, however, lay profound differences. First Nations and Europeans viewed the world (and their role in it) in fundamentally different ways. As time passed, the differences between First Nations and European worldviews became more significant. By the eighteenth century, the time of

peaceful co-existence was beginning to draw to a close.

Once the colonists felt securely established and their numbers grew, they became more assertive about reshaping the colony into familiar institutions. They began to need First Nations' land more than their co-operation and guidance. As their priorities changed, Europeans became less willing to accept co-existence with First Nations. Increasingly, Europeans wanted to control and change First Nations cultures.

This change in attitude coincided with the weakening power of First Nations because of many factors, including disease and the decline of the fur trade. European and First Nations cultures began to clash, with long-lasting harm to First Nations people and their cultures.

Canada's history would have been far different if the relationship between First Nations and Euro-Canadians had remained one of peaceful co-existence. Instead of allowing their two worldviews to collide, they might have been able to shift them so that they were both headed in the same direction. First Nations' oral history indicates that this was the intention of First Nations in making agreements with the newcomers. In 1763, the British government seemed to affirm this same understanding when it issued the Royal Proclamation.

ROYAL PROCLAMATION

According to the British government's own system of **common law**, a set of unwritten legal precedents, First Nations held title to their land. They had rights to the land because they were the original occupants. This view was formally written into law in the Royal Proclamation of October 7, 1763. The events leading up to the proclamation illustrate how First Nations were on the cusp of a change in their relationship with colonizing powers. These events began three years earlier, with the end of French power in North America.

In 1760, the Capitulation of Montreal ended Britain's war with France in North America. Britain took control of all North American territory east of the Mississippi River. However, in the spring of that year, the British found themselves scrambling to contain an uprising known as Pontiac's Rebellion.

Pontiac's Odawa (Ottawa) First Nation, along with several allied First Nations, were unhappy with the British regime for several reasons. Immediately after taking over North American territories from the French in 1760, British Commander-in-Chief Jeffrey Amherst ordered the end of gift distributions to First Nations. In his view, the annual gifts amounted to bribes that the colony could not afford.

To First Nations, the gifts and associated ceremonies were a symbolic renewal of friendly relations between nations as well as a price for using their land. Gift-giving was an essential part of traditional treaties. It symbolized the reciprocal relationship of giving and taking that formed the basis of mutual support and harmony.

First Nations did not view the French defeat as their own defeat. They had seen the French as tenants

In 1765, Chief Pontiac signed treaties with the British government to end a series of armed conflicts he had led against the colonizing power. At the treaty signings, he was clear that he was making peace, not surrendering land.

on their land and, when Britain took over, First Nations believed they would continue the same relationship with the British.

As First Nations experienced shortages of the guns and ammunition they had grown to depend on during French tenure, many viewed Amherst's ruling as a sign of disrespect. In addition, the British did little to discourage settlers from moving onto First Nations lands, and many British traders acted without regard for the needs of their First Nations partners.

After three years of growing discontent, many First Nations had had enough. In the spring of 1763, a group allied under Pontiac's leadership put Fort Detroit under siege and captured nine other forts. Not interested in the forts themselves, the First Nations generally took what they needed from fort supplies and left for their winter hunting grounds. Pontiac's military success made British officials nervous about their ability to hold on to power in the territory.

The Royal Proclamation was designed to prevent future uprisings and to strengthen British government control over formerly French territories. It is significant today for several reasons.

The proclamation uses the phrase "nations or Tribes of Indians." This phrase provides support for First Nations assertions today of their rights as sovereign nations. A sovereign nation has independence, the right to a specific territory, and the ability to conduct its own affairs without interference. First Nations argue that they were not conquered in a war. The proclamation does not refer to them as subjects of the Crown. Therefore their right to sovereignty has never been extinguished, or ended permanently.

The proclamation also acknowledged that First Nations held title to the lands west of the Appalachian Mountains and said that these lands, "not having been ceded to or purchased by Us [the Crown], are reserved to them, or any of them, as their Hunting Grounds."

In addition, the proclamation forbade colonists to enter into any private land negotiations with First Nations because "great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests, and to the great Dissatisfaction of the said Indians." The document stated that, in the future, only Crown representatives would be able to negotiate the purchase of First Nations territory.

In recognizing First Nations' title to the land, and in asserting the Crown's exclusive right to negotiate with First Nations, the Royal Proclamation laid the foundation for all future land agreements between First Nations and the government in Canada. Its importance and continued relevance was affirmed

again when the Royal Proclamation was specifically mentioned in the Canadian Charter of Rights and Freedoms in 1982.

However, the Royal Proclamation also established a **paternalistic** attitude towards First Nations. This means it took a tone of superiority and assumed powers over First Nations. For example, the proclamation unilaterally put the Crown in the position of intermediary between First Nations and settlers. From this position, it had the power to decide what agreements could be made to take First Nations' land and what kinds of compensation First Nations could receive in return. First Nations had no voice in these decisions. This paternalism became even more significant in subsequent treaty negotiations during the late nineteenth century.

BRITISH NORTH AMERICA ACT

Throughout the 1800s, European settlers gradually occupied more and more of what is now Canada. The British colonial government signed treaties with First Nations whenever it needed more land for these settlers.

In 1867, the British North America Act created the Dominion of Canada. As part of creating the new country, it transferred the British Crown's relationship with First Nations to the Canadian federal government. This act is significant today because it means that a First Nation has the right to negotiate self-government and land claims with the federal government as one sovereign nation to another. Chapter Two discusses this relationship in the past and present in terms of Aboriginal peoples' ability to be self-governing nations.

ROYAL PROCLAMATION OF 1763

The introduction to the Royal Proclamation stated that it was

Just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of our Dominion and Territories as, not having been ceded to or purchased by Us, are reserved to them or any of them as their Hunting Grounds.

REFLECTION

How might this preamble be interpreted as stating British possession of the land to which it refers? How might it be interpreted as affirming First Nations possession of the same land? Which words or phrases give rise to this confusion?

LOOKING BACK

In your notes, use a concept map, table, or other technique to describe key ways European and First Nations worldviews differed from each other in the sixteenth century. In your opinion, do these differences still exist today? Explain your answer.

Explain the significance of the following in terms of Aboriginal rights: Great Law of Peace, Guswentah Treaty, colonialism, Royal Proclamation, British North America Act. Be sure each is noted on your timeline.

Numbered Treaties

AS YOU READ

After Confederation in 1867, treaty-making between First Nations and Canada became increasingly systematic. Between 1871 and 1921, the Canadian government negotiated eleven treaties with First Nations across the West to free up more land for settlement. These treaties, known as the numbered treaties, were supposed to balance the needs of incoming settlers with the traditions of the First Nations.

First Nations approached treaties with Europeans the same way they had always approached treaties with each other. The overall objective was to establish a relationship based on peaceful co-existence and shared resources.

Write the questions that follow in your notes: Why did the Canadian government pursue the numbered treaties? Why did First Nations agree? What rights are part of these treaty agreements? How were Euro-Canadian and First Nations understandings of the agreements different? How did treaties fit into Canada's evolving colonial policies? As you read this section, make notes that answer each question.

FREE FARMS FOR THE MILLION
DOMINION OF
CANADA
CLIMATE THE HEALTHIEST IN THE WORLD.
FREE FARMS OF 160 ACRES
MANITOBA, CANADIAN NORTH-WEST AND BRITISH COLUMBIA
VAST COAL FIELDS AT CONVENIENT DISTANCES.
GRANTS FROM 100 TO 200 ACRES ARE OFFERED IN OTHER PARTS OF CANADA.
DEPARTMENT OF THE INTERIOR,
DOMINION LINE
Royal Mail Steamships
Between LIVERPOOL, BRISTOL and MONTREAL
HALIFAX and PORTLAND, MAINE, in Winter.

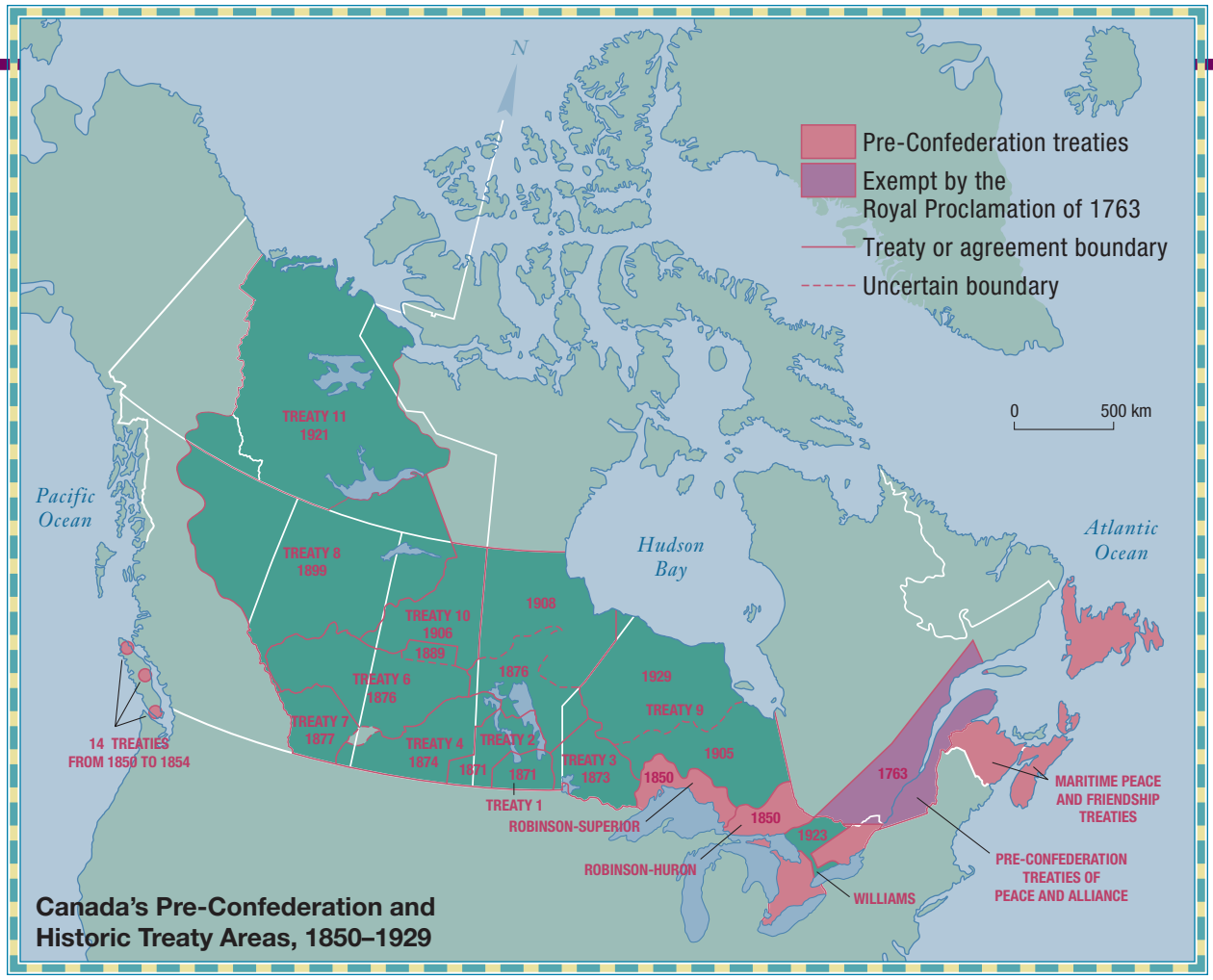
After Confederation, the federal government actively recruited settlers from Europe with posters such as this one from 1890. What do you think about the government's assertion that the land is free? What costs did European settlement have for First Nations? Create a poster or other artwork that shows a different perspective.

Before Confederation in 1867, treaties between First Nations and Europeans recognized the political authority of each signatory. Pre-Confederation treaties did not often involve land transfers and compensation; most instead dealt with political, trade, and military issues. European colonial governments dealt directly with First Nations until 1867, when the newly created Canadian government took over treaty-making responsibilities.

With Confederation in 1867, the Canadian government inherited the British Crown's relationship with First Nations. The Royal Proclamation required the federal government to negotiate with First Nations in order to open up more territory for settlement. This was the primary goal for the new Canadian government.

By 1867, Europeans in Upper Canada already outnumbered First Nations people by a wide margin. Before long, the pressure for land began to spread westward. On December 1, 1869, the Canadian government bought Rupert's Land from the Hudson's Bay Company for $300 000. Suddenly Canada was responsible for vast new areas, from northern Quebec to the Rocky Mountains and Arctic.

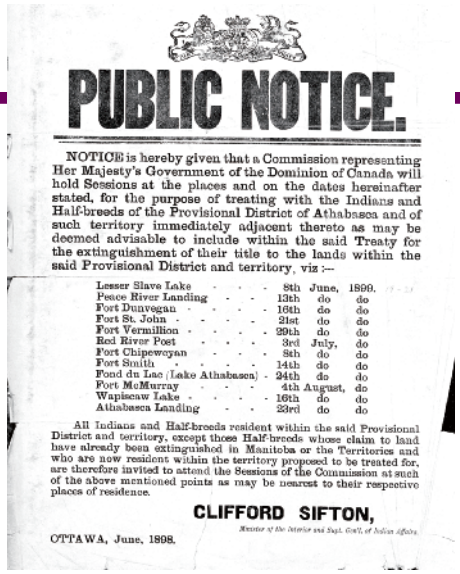
The government began to negotiate treaty agreements with First Nations in the region so it could open up the West to settlement. The treaties were numbered in order as they were settled.



Treaties in Canada usually fall into three categories: pre-Confederation treaties that were concluded prior to 1867, the numbered treaties, which were concluded up to 1921, and the modern treaties, which are settled land-claim agreements.

NUMBERED TREATIES (1867–1921)

1871 Treaty One 1871 Treaty Two	The federal government wants land for farming. First Nations are expected to adapt to an agricultural economy instead of hunting, fishing, and trapping.
1873 Treaty Three 1874 Treaty Four 1875 Treaty Five 1876 Treaty Six 1877 Treaty Seven	The federal government wants land for construction of a railway across the West.
1899 Treaty Eight	The federal government wants to secure overland access to Yukon gold discoveries.
1905 Treaty Nine	The federal government wants to secure access to natural resources such as timber in northern Ontario.
1906 Treaty Ten 1921 Treaty Eleven	The federal government initiates treaties after discovery of oil at Fort William.



PUBLIC NOTICE.

NOTICE is hereby given that a Commission representing Her Majesty's Government of the Dominion of Canada will hold Sessions at the places and on the dates hereinafter stated, for the purpose of treating with the Indians and Half-breeds of the Provisional District of Athabasca and of such territory immediately adjacent thereto as may be deemed advisable to include within the said Treaty for the extinguishment of their title to the lands within the said Provisional District and territory, viz :—

Lesser Slave Lake	8th	June,	1899.
Peace River Landing	13th	do	do
Fort Dunvegan	16th	do	do
Fort St. John	21st	do	do
Fort Vermilion	29th	do	do
Red River Post	3rd	July,	do
Fort Chipewyan	8th	do	do
Fort Smith	14th	do	do
Fond du Lac (Lake Athabasca)	24th	do	do
Fort McMurray	4th	August,	do
Wapiscaw Lake	16th	do	do
Athabasca Landing	23rd	do	do

All Indians and Half-breeds resident within the said Provisional District and territory, except those Half-breeds whose claim to land have already been extinguished in Manitoba or the Territories and who are now resident within the territory proposed to be treated for, are therefore invited to attend the Sessions of the Commission at such of the above mentioned points as may be nearest to their respective places of residence.

CLIFFORD SIFTON,

Minister of the Interior and Supt. Genl. of Indian Affairs.

OTTAWA, June, 1898.

This poster was displayed in public places during the summer and fall of 1898. The government hoped it would encourage First Nations and Métis people to meet with the treaty commission.

SHIFTING PRIORITIES

The numbered treaties mark a significant change in the government's goals and priorities for treaty-making. At this time, the fur trade was beginning to decline and the Canadian government's focus was shifting towards settlement and industry. The government needed more land — land that was occupied by First Nations, Métis, and Inuit people.

In the United States, the tension between settlement and First Nations land rights led to armed conflict. In the mid to late 1800s, the American government spent millions of dollars each year fighting frontier wars. Much blood was shed on both sides. The Canadian government could not afford to make the same mistakes. Instead, it chose to negotiate treaties with First Nations.

First Nations priorities had shifted from pre-Confederation times as well, although their expectation for the basis of the treaties — agreements between sovereign nations — had not. The lives of First Nations people had changed with staggering swiftness since the beginning of the sixteenth century. They now faced wave upon wave of incoming settlers. Whether they liked it or not, they were now living in a shared land.

First Nations were understandably concerned about losing use of their territory little by little. They saw that the settlers would be difficult to move once they established themselves. Unless First Nations concerns were dealt with, the situation would become increasingly uncertain and tense.

In exchange for allowing the settlers on their land, First Nations wanted to ensure their people would get the assistance they needed to adapt to the new way of life. They wanted their people to have a place to live, to be free to pursue their traditional lifestyles as much as possible, and to have support in adjusting to the new way of life taking shape around them.

Negotiations for the numbered treaties, therefore, started on an uneven basis. The government saw the treaties as First Nations agreements to surrender their claim to the land. First Nations leaders saw the treaties as agreements to share the land.

Indigenous Knowledge

By signing [the treaties], British authorities appeared to recognize the nationhood of Aboriginal peoples and their equality as nations. But they also expected First Nations to acknowledge the authority of the monarch and, increasingly, to cede large tracts of land to British control — for settlement and to protect it from seizure by other European powers or by the United States.

— People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples

What contradiction is noted in this statement?

PROFILE

JAMES AHNASSAY

Dené Tha' First Nation

"To get an idea of how my ancestors approached land entitlement and treaty signing, refer to what Chief Chateh did at Fort Vermilion back in 1899, when he signed a Treaty Eight **adhesion**," says James Ahnassay, former chief of the Dené Tha' First Nation.

"Chief Chateh held off signing treaty for a week, I've heard, because he wanted to make sure all traditional lands of his people would be protected for years to come," Ahnassay explains. No wonder the chief was hesitant. How could he be sure officials understood his demands when he spoke only the language of the Dené Tha', the Europeans spoke English or French, and the hired translator was said to have only been fluent in Cree, with English as his second language?

"I doubt the translator was able to capture what the chief and Elders wanted. I do know that our Elders appreciated European assurances that the treaty entitlements would last 'as long as the sun shall shine and the rivers shall flow.' To this promise, Dené Tha' Elders and other leaders at the time added 'and as long as the stars of the Big Dipper move forward in the sky.'" The Elders' worldview was based on the natural creations of earth and sky, not on human creations of legal titles, ownership, and profits.

In 1899, Dené Tha' traditional lands were vast, stretching west into what is now British Columbia and the Northwest Territories. Following the great cycle of life of their ancestors, the people migrated seasonally to take advantage of the many resources of their territory. They hunted animals, fished in various lakes, wintered in sheltered areas, and summered near berry patches. According to Elders, their people did not know that the written treaties had given most of these lands to the newcomers, leaving only a few small areas they could choose as reserves.

James Ahnassay

After signing the treaty adhesion, the Dené Tha' continued with their lives much as they had before, until oil companies started to encroach upon their traditional lands in the 1960s, followed by lumber companies a decade later. "Until then, the land was pristine, but by the 1970s, our hunters complained about the decline in the moose and other animal populations and the negative effects industry had on their trap lines."

A traditional way of life was quickly disappearing and employment and other income options were severely limited.

"What we were left with was welfare payments, social problems, and small areas to live in," explains Ahnassay. Optimistically, he hopes his generation has and future generations will gain "education that will put us in a much better negotiating stance to gain back much of what we have lost. This includes implementing the true spirit and intent of the treaties, as understood by our Elders."

REFLECTION

With your teacher's assistance, use correct community protocol to invite an Elder to your classroom to discuss the spirit and intent of Treaty Six, Seven, or Eight. Use the Elder's visit, plus all that you have learned about treaties in this course so far, to prepare a five-minute speech called The Spirit and Intent of Treaties. Give your speech to the class.

The Treaty Eight negotiations pictured here took place at Lesser Slave Lake, Alberta, in 1899. Research which First Nations in Alberta are part of this treaty, as well as Treaties Six and Seven.

DIFFERENT VIEWS

Not only did the Canadian government and First Nations differ in their reasons for signing treaties, but they also differed in how they saw treaties as agreements. In the European tradition, nations signed treaties recognizing one another's sovereignty, regulating trade, and promising to keep peace.

First Nations made treaties for similar reasons, but their outlook had a spiritual component as well. They sealed treaties with ceremonies such as pipe smoking, not by signing paper documents. European worldviews saw treaties as business contracts, whereas First Nations worldviews saw them as sacred oaths.

DIFFERENT LANGUAGES

In addition to having different ideas about treaties and different reasons for entering into treaties, government representatives and First Nations leaders also spoke different languages. They needed interpreters in order to communicate with each other.

Interpreters had a difficult job because the issues were so important and complex. They had to convey not only the precise meaning of the words that were being said, but also the larger implications. They had to bridge the culture gap as well as the language gap. Some words, such as *ceded*, may not have had easy translations into First Nations languages.

Did the interpreters do their jobs well? Not everyone thinks so. Some argue that, because the interpreters were government employees, they were under pressure to present the government's terms in the best possible light. First Nations leaders may not have fully understood the implications of being asked, for example, to "cede, release, surrender and yield up to Her Majesty the Queen and successors forever all the lands [being included in the treaties]."

In 1973, sixteen chiefs from the Northwest Territories argued in court that their ancestors would never have signed treaties if they had fully understood the government's intentions. "In my language, there is no word for 'surrender,'" said Chief François Paulette. "I cannot describe 'surrender' to you in my language, so how do you expect my people to [have] put their X on 'surrender'?"

NEGOTIATIONS BEGIN

When it sold its interest in Rupert's Land to the government of Canada, the Hudson's Bay Company recognized that the land transfer would bring huge changes to the lives of Aboriginal peoples. For that reason, the company made sure that the deal contained at least some protection for Aboriginal interests. The deed of surrender contained a requirement that the Canadian government be responsible for "[a]ny claims of Indians to compensation for lands required for purposes of settlement."

The settlers, though, would not wait for land questions to be resolved. They began to move into Canada's new territory in increasing numbers.

Métis leaders at Red River resisted Canadian occupation of their land until Canada was forced to negotiate Manitoba's entry into Confederation as a province. Chapter Three discusses these events.

First Nations leaders, who were already upset at being left out of the Rupert's Land sale, pressed the government for treaties. They knew of recent treaties, including the Robinson Treaties, that had been signed in the east. They hoped to get similar protection from the government, to avoid being completely displaced by the new arrivals. **Displacement** occurs when people are forced to move from their homelands.

In 1870, a large group of Anishinabé, Swampy Cree, and other First Nations converged on Lower Fort Garry to negotiate a treaty with A. G. Archibald, Manitoba's first lieutenant-governor. After days of intense negotiation, they signed the Stone Fort Treaty (Lower Fort Garry was built of stone). It later became known as Treaty One.

By the terms of Treaty One, First Nations gave up their title to 16 700 square miles (43 253 square kilometres) of land. In return, the government promised certain **treaty rights**, including reserves. A **reserve** is land set aside by the government for the exclusive use of a First Nation. Reserve sizes would be calculated for each nation on the basis of "one hundred and sixty acres [64.8 hectares] for each family of five, or in that proportion for larger or smaller families." To fulfill this obligation, the treaty promised "Her Majesty's Commissioner shall, as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the district."

During the negotiations, Archibald assured First Nations leaders that the treaty would not restrict their people to reserves. He promised they would still have rights to hunt, fish, and trap throughout their traditional territories. This promise was not included in the written treaty, however.

Treaty One also promised the right to a gift of $3 for each person and an annual payment of $15 per family of five (or $3 per person in larger or smaller families). It promised a school and made the sale of liquor on reserves illegal.

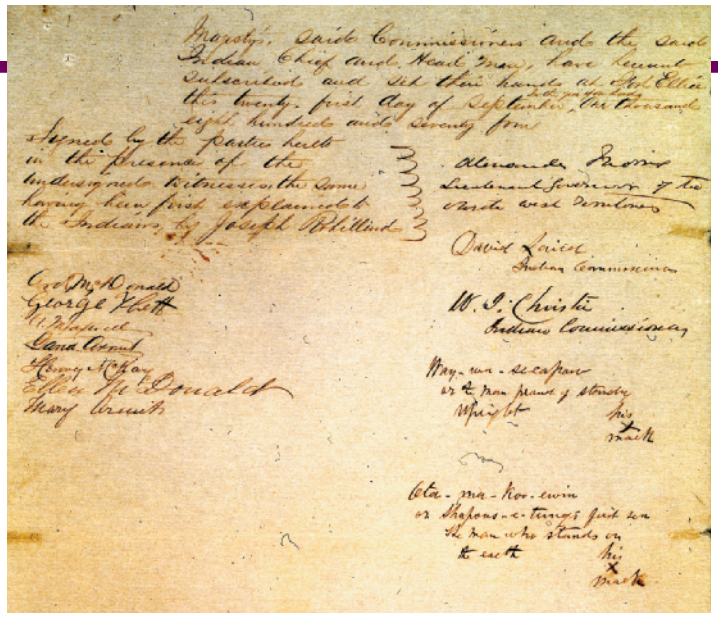
Eighteen days later, Archibald negotiated Treaty Two, the Manitoba Post Treaty. Its terms were virtually the same as the terms of Treaty One.

Beginning with Treaty Three, the agreements promised to maintain First Nations' hunting and fishing rights within traditional territories. These rights were "subject to regulation," however, and did not include areas that may "be required or taken up for settlement, mining, lumbering or other purposes."

First Nations leaders proved to be tough negotiators. Realistically, they had little choice but to sign the treaties — settlement was going to happen no matter what they did —

These Chipewyan lost no time in flowery oratory, but came at once to business, and kept us, myself in particular, on tenterhooks for two hours. I never felt so relieved as when the rain of questions ended, and satisfied by our answers, they acquiesced in the cession.

— Commissioner J. H. Ross, *Through the Mackenzie Basin*



Treaty Four, shown here, was signed in 1874. Some First Nations who negotiated later treaties had the benefit of learning about problems in earlier numbered treaties. Treaty Six nations, for example, received promise of a medicine chest that earlier treaties did not include.

but they fought for and won important concessions. Government negotiators quickly learned not to underestimate them.

First Nations also learned from each other. Those that signed later treaties had the benefit of learning about problems that resulted from the earlier treaties. This led leaders to insist upon concessions such as larger annuity payments in later treaties.

Government negotiators also learned to be careful what they said. With their tradition of preserving and passing along information orally, First Nations leaders could remember precisely what was said and what was promised during negotiations, even years later.

TREATIES SIX, SEVEN, AND EIGHT

The territory that later became Alberta was largely covered by Treaties Six, Seven, and Eight.

Treaty Six, which stretched through southern Saskatchewan and Alberta, was signed with the Plains Cree in 1876. The Cree had suffered a devastating smallpox epidemic in the early 1870s and continued to suffer due to the decline of the buffalo.

Because of this, negotiators fought for and won two major concessions in Treaty Six. First, the government promised to assist the Cree if they were struck "by any pestilence, or by a general famine." The government also promised that "a medicine chest shall be kept at the house of each Indian Agent for the use and benefit of the Indians at the direction of such agent." This "medicine chest" clause later led to the provision of universal health coverage for all First Nations with treaty rights.

Treaty Seven, signed in 1877, covered most of southern Alberta. It provided the last parcel of land the government needed to complete the national railway. Terms were similar to those for Treaty Six.

Treaty Eight, which covered the northern half of Alberta plus parts of Saskatchewan, the Northwest Territories, and British Columbia, was not negotiated until 1899. The Klondike gold rush was then in full swing and the government needed to clear a path northward.

Treaty Eight was somewhat unusual because the government did not immediately set aside specific areas for reserves. "There is no immediate necessity for the general laying out of reserves or the allotting of land," the treaty commissioners wrote in their report. "It will be quite time enough to do this as advancing settlement makes necessary the surveying of the land." To this day, many Treaty Eight First Nations believe that they have yet to receive the reserve land they were promised.

TERMS AND REALITY

In a perfect world, the signing of the treaties would have solved everyone's problems. The government would have cleared the way for immigration and settlement and First Nations would have been left with ample land, support, and resources to prosper.

The treaties were certainly successful from the government's point of view. As the negotiators moved westward, thousands of immigrants followed, eager to settle the "new" land. In the eyes of European law, First Nations' title to the land had been extinguished and western Canada was open for business.

Compared with the violent clashes south of the border, Canadian treaty negotiations were characterized by compromise and good faith. Government negotiators operated under severe constraints. They were expected to eliminate First Nations' claims to the land. Yet many tried to protect First Nations' interests — at least, their interests as the government negotiators understood them.

As a mark of good faith, treaties promised First Nations leaders that they could "know and be assured of what allowance they [were] to count upon and receive year by year from Her Majesty's bounty and benevolence." The treaties seemed to promise traditional ties of friendship.

Problems with Implementation

From a First Nations point of view, however, the reality of the numbered treaties did not live up to promise. Leaders soon discovered that the promises made during negotiations were not always reflected in the documents they signed. They argued frequently that the government violated either the terms or the spirit of the agreements. Some First Nations convinced the government to revise the treaties. In some cases, the government increased the annual payments and provided some of the promised farm animals and implements.

Circumstances sometimes made it difficult for the government to fulfill the terms of the treaties properly. For example, treaty talks often left out groups living in the areas included in the treaties. These groups had to be added later to existing treaties. Such adhesions continued up to the 1950s.

It was also difficult for the government to get the accurate count needed to allocate the reserves and to make treaty payments properly. If a portion of the community happened to be away at the time of counting, those people might be left off the census lists.

In other cases, the government lacked a motivation to meet treaty terms. For example, if the land was not in high demand by settlers, neither government officials nor First Nations leaders felt pressure to agree upon reserves. In areas such as northern Alberta and the Northwest Territories, pressure to assign reserve lands did not arise until the early twentieth century, when companies began exploring and exploiting natural resources in the region.

TREATY PROMISES

Talking circles are a type of organized discussion for a topic that has no right or wrong answer. The purpose of a talking circle is to share ideas, feelings, and points of view, but not to reach a decision or consensus. You may wish to have a discussion as a class, or you may prefer to divide the class into smaller groups so that people have more opportunity to talk.

Talking circles follow a protocol — a set of rules — to ensure that all participants are respected.

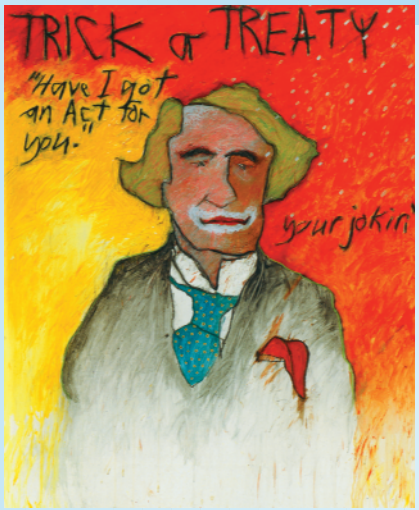
This textbook will offer several opportunities for you to participate with your classmates in talking circle discussions. Each talking circle in this book will include one or more quotations that you may read aloud or to yourself before you begin. Each discussion includes an activity to help you put together what you learn through the discussion and your other work in the chapter.

Before you begin your first talking circle, work as a class to develop a talking circle protocol, a set of rules to govern the discussion. Talking circle protocols vary from community to community, but common practices include the principles that follow:

- Everyone has an opportunity to speak, but people can also choose not to speak.
- Only one person speaks at a time. All other participants should listen attentively until the person has stopped speaking.
- Comments should address the topic rather than comments another person has made.

REFLECTION

Artist Gerald McMaster was born on the Red Pheasant reserve near North Battleford, Saskatchewan. His work often explores history from a First Nations perspective. *Trick or Treaty* was painted in 1990. Sir John A. Macdonald, who is pictured in the painting, was Canada's first prime minister. What do you think McMaster's perspective on the treaty process is? In your journal, write your own ideas and responses to his painting, your talking circle discussion, or any other material from this chapter.



Trick or Treaty *by Gerald McMaster*

The following passage is from *The Unjust Society*, an influential book written by Harold Cardinal in 1969, shortly after the federal government announced its White Paper on Indian Policy. In short, the White Paper suggested abolishing separate legal status for First Nations. Cardinal, from the Sucker Creek Reserve in Alberta, responded to the government proposal with stinging satire, eloquence, and the passion that inflamed his generation to renewed political action. The excerpt that follows contains his view on the treaties his people signed with the federal government.

WHAT WAS PROMISED AT THE TREATY NEGOTIATIONS?

To the Indians of Canada, the treaties represent an Indian Magna Carta. The treaties are important to us, because we entered into these negotiations with faith, with hope for a better life with honour. We have survived for over a century on little but that hope. Did the white man enter into them with something less in mind? Or have the heirs of the men who signed in honour somehow disavowed the obligation passed down to them? The Indians entered into the treaty negotiations as honourable men who came to deal as equals with the queen's representatives....

Our people talked with government representatives, not as beggars pleading for handouts, but as men with something to offer in return for rights they expected. To our people, this was the beginning of a contractual relationship whereby the representatives of the queen would have lasting responsibilities to the Indian people in return for the valuable lands that were ceded to them.

The treaties were the way in which the white people legitimized in the eyes of the world their presence in our country. It was an attempt to settle the terms of occupancy on a just basis, legally and morally to extinguish the legitimate claims of our people to title to the land in our country. There never has been any doubt in the minds of our people that the land in Canada belonged to them. Nor can there have been any doubt in the mind of the government or in the minds of the white people about who owned the land, for it was upon the basis of white recognition of Indian rights that the treaties were negotiated. Otherwise, there could have been nothing to negotiate, no need for treaties. In the language of the Cree Indians, the Indian reserves are known as *the land that we kept for ourselves or the land that we did not give to the government*. In our language, *skun-gun*....

As far as we are concerned our treaty rights represent a sacred, honourable agreement between ourselves and the Canadian government that cannot be unilaterally abrogated by the government at the whim of one of its leaders unless that government is prepared to give us back title to our country.... The treaties are doubly significant and important because they represent or imply principles that are intrinsically part of the concept of justice and respect for other men's property. They have a symbolic importance to Indians that cannot be ignored.

LOOKING BACK

As you learned in this section, the Canadian government expanded its territory through a series of treaties with First Nations that were negotiated between 1873 and 1921. How did these treaties reflect a more European than First Nations worldview? Why did First Nations leaders sign the agreements?

Chapter One Review

Check Your Understanding

1. This chapter includes many terms that will be important to your understanding of the rest of this book. Write a definition for and sentence using each of the terms listed below. If a term has more than one meaning, indicate this by writing more than one sentence.

   Aboriginal rights
   Aboriginal title
   collective rights
   indigenous peoples
   individual rights
   inherent rights
   nation
   numbered treaties
   peoples
   self-determination
   self-government
   sovereignty

2. What are inherent rights?
3. What is an oral tradition? How does it support an indigenous people's claim to certain rights?
4. Compare the African American civil rights movement to the Aboriginal rights movement.
5. Name an early treaty and describe how it enacts traditional First Nations worldviews.
6. Summarize Canada's colonial history as it affected Aboriginal peoples.
7. How did European worldviews differ from First Nations worldviews at the time of first contact? Why didn't these differences immediately cause conflict?
8. Explain how Pontiac's Rebellion is related to the Royal Proclamation of 1763.
9. Explain why First Nations claim the right to deal primarily with the federal government rather than other levels of government, such as the provincial or municipal governments.
10. What is the significance of the Universal Declaration of Human Rights?
11. What were the federal government's reasons for negotiating the numbered treaties? Why did First Nations agree to sign them?
12. What problems were associated with the negotiation, signing, and implementation of the numbered treaties?

Reading and Writing

13. Write an essay supporting Aboriginal inherent rights to self-determination. You might use evidence from oral traditions as well as events from international human rights movements.

    Be sure that your essay has a clear thesis and at least three paragraphs supporting your thesis. Each of these supporting paragraphs must have your ideas clearly stated and evidence to back your ideas up.

Viewing and Representing

14. Visual communication techniques, such as cartoons, illustrations, paintings, or photographs, often convey their points much faster than words can. Create your own visual representation of a topic from this chapter, such as human rights, self-determination, or inherent rights. Be sure your project conveys your opinion on the topic.

Going Further

15. Review newspapers and magazines to find examples from current events that show issues of individual rights or collective rights. Bring examples to class to discuss. You might make this an on-going class project throughout this course. Create a bulletin board or binder of clippings that will help you refine your ideas about rights issues in Canada and around the world.

16. Why do Aboriginal peoples in Canada have issues of common concern with indigenous peoples from other places in the world? Explain how working with international groups might benefit Aboriginal peoples in Canada.
17. Examine the photographs of the Canandaigua Treaty and the George Washington Covenant Belt on this page. Both represent the same agreement. Each object is symbolic of the different worldviews of the culture that created it. For example, one is a piece of paper and the other a belt and strings made of *wampum*. One has written letters that convey meaning and the other a set of symbols that convey meaning.

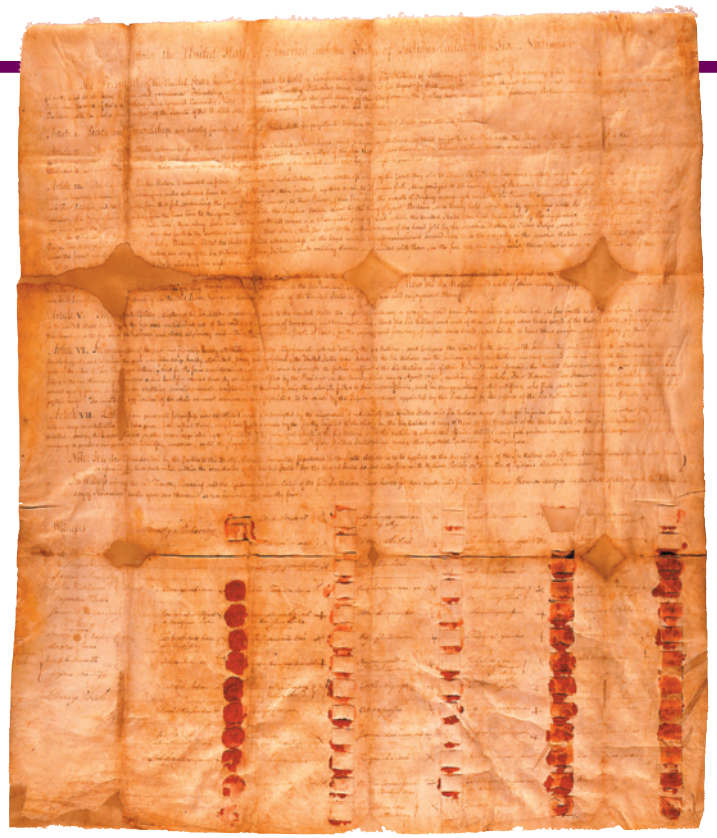
    Compare the two objects as symbols. Relate as many features of each object as possible to the originating culture's worldview.

    Using elements from this comparison in your opening paragraph, write an essay about Aboriginal sovereignty. You can write about conflict, clashing worldviews, self-government, or any other topic, as long as you can relate it to the comparison of the written treaty and wampum belt. This comparison could be the attention-grabbing opening to your thesis.

    Ideally, your conclusion will sum up your ideas, relate back to your thesis, and refer in some way to the comparison of the Canandaigua Treaty objects that began your essay.

LOOKING BACK

Re-read the Dene Declaration from pages 2–3. Review the chapter to find two more declarations and compare the three. What rights are described? Use some of the terms introduced in this chapter to explain your answer.



Compare the photographs of the Canandaigua Treaty (top) with the George Washington Covenant Belt (bottom). Both are from an agreement reached between the Haudenosaunee and the United States in 1794. This agreement was discussed on page 16.

CHAPTER TWO

Traditional Governance and Colonization

AS YOU READ

As you learned in Chapter One, First Nations, Métis, and Inuit peoples believe they have an inherent right to sovereignty and self-government. All had fully functioning forms of government before colonization by European and Canadian governments. Inherent rights cannot be taken away by any action or decision, although the ability to exercise the rights can be. Aboriginal peoples lost the ability to exercise many of their inherent rights during the first hundred years of Canadian history.

Alberta Elder Peter O'Chiese provided the statement on pages 38–39 as part of an Elders' Think Tank to discuss Treaties Six, Seven, and Eight. O'Chiese is a well-known spiritual, cultural, and political leader in Alberta. His ancestors did not take treaty, but his insights into the agreements influence many First Nations leaders.

His guidance, and that of other Elders about the spirit and intent of treaties, makes an important contribution to self-government negotiations between First Nations organizations and the federal government. Why is oral history a significant part of interpreting treaties? Why are treaties a significant part of many First Nations' self-government negotiations? Why are treaties not part of all Aboriginal peoples' self-government negotiations?

FOCUS QUESTIONS

As you read this chapter, consider these questions:

- What are traditional forms of First Nations, Métis, and Inuit governance?
- What values are connected to traditional forms of governance?
- How do Aboriginal cultures understand their relationship with the land?
- How were First Nations, Métis, and Inuit governance traditions affected by the formation and growth of the Dominion of Canada?
- What provisions did treaties make for self-government?
- How is the Manitoba Act significant for Métis rights?
- What is the Indian Act and how did it affect First Nations' right to self-determination?

Symbolism of the Pipe

A statement by Peter O'Chiese on March 1, 1976, as translated by Harold Cardinal and published in *The Spirit of the Alberta Indian Treaties*

TODAY WE TALKED ABOUT THE POWER THAT WE WERE GIVEN FOR AS LONG AS THE SUN WAS THERE, FOR US TO USE OUR MINDS. YOU WERE asked today what were the treaties. You have talked about the aboriginal man, the first man. It is because of him that we have what there is today. There were, at that time, two aboriginal beings, and they were given separate things. Our man or our people were given one thing and that was to be kind and to have a gentle heart. We were given something that was straight so that our lives could be straight, and we were given something that was strong so that we could be strong. All of that taken together is life, and that which is talked about is passed on from generation to generation…

Sweet-grass and incense are symbols for our pipe and stem, for the gentleness that has to be for all of us who are Indian. The stem symbolizes for our people the straight road that we have to follow. When you see the pipe made out of stone, it symbolizes for our people the strength that we must have in order to keep our faith and our way of life. The fire that is

there symbolizes a source of life, wildlife, or food. So all of you who are sitting around the table talked about it today.

When the old men said, "We do not give you our timber," what they meant was that they did not give their pipe stem.

When they said, "We do not give you our grass," they meant that they did not give their sweet-grass or incense.

When our people said, "We do not give you the rock of the mountains," they meant they did not give their pipe bowl. They use the term rock out of which the pipe is made.

When they said, "We do not give you our animals," it was meant that they did not give their fire, the fire that is used in our ceremony.

All these things we have, and from there we should be able to talk about the discovery of things the white man wrote about our treaties. He wrote his treaties from his understanding and we wrote ours from our understanding.

When we go back to the point of the original men with the Indian and the white, they were made by the same creator; the creator who made both these people was kind. Because he was a creator and he was good, he dealt with both the original men with peace and fairness, so that neither of the original men would have anything to be unsatisfied about.... The other thing we should keep in mind is that since the creator dealt fairly with both the original men, and since he tried to make them both equally happy, we also have a responsibility today, whatever we come up with, to make sure that both sides are happy.

In Bonne Fête Canada, *do you think artist Jane Ash Poitras is really celebrating Canada Day? How is her work ironic?*

REFLECTION

1. Write down the main ideas from Peter O'Chiese's statement and explain each in terms of self-government, inherent rights, and treaties.
2. Jane Ash Poitras was born in Fort Chipewyan, but was raised in Edmonton by a foster family. Her style is easily recognized through its use of photographs, text, and paint in collage, as well as for the topics she addresses. Create your own collage in response to her work or to Peter O'Chiese's statement on this page.

Traditional Governance

AS YOU READ

Since Confederation in 1867, the federal government has played a dominant role in the lives of Aboriginal peoples in Canada. For about a century following Confederation — until the late 1960s and early 1970s — Aboriginal peoples in Canada had their self-governing abilities severely restricted by federal government legislation.

To understand how federal government decisions affected Aboriginal governance so profoundly, you must understand the nature of traditional forms of governance. Pages 38–49 describe some of the diverse traditions of government and the place of government in traditional Aboriginal communities. Before you begin reading, think about the role of government in Canada today. With a small group, discuss your ideas and list the ways in which government operates and the roles and services it provides to its citizens. As you work through this section, compare these roles to those of traditional Aboriginal governments.

Traditional First Nations and Inuit governments were inherently related to how each group of people lived with its specific environment. The Canada/United States borders are shown to provide contemporary reference points for these geographic regions. The borders have only existed since the end of the nineteenth century.

The land shaped virtually every aspect of traditional First Nations and Inuit life. It helped determine day-to-day activities, social and political structures, language, and even art and spirituality. It lay at the centre of people's very identity. Governance for the people often meant governance for the land.

Although First Nations and Inuit people inhabited North America for thousands of years before Europeans arrived, they left little impact on the landscape. They found ways to live in balance with their environment. Their needs were the land's needs and the land's needs were their own.

GEOGRAPHY AND GOVERNANCE

Canadian territory can be divided into six **geographic environments**: Arctic, Subarctic, Eastern Woodlands, Plains, Plateau, and Pacific Northwest. Each geographic environment provides different resources and challenges to the people who live there, shaping both their lives and their cultures. As a result, people within the same environment frequently share many similar cultural characteristics. Each geographic environment corresponds to a general **cultural environment**.

The Arctic

Many aspects of Inuit culture directly reflect the demands of life in the Arctic. Inuit people developed many unique technologies that allowed them to live in an extreme environment. The people received much of what they needed for life

from just a few resources, such as seals, caribou, and whales.

Traditional Inuit societies were built around extended family groups. Families came together in larger camps when hunting was good and moved apart when food was scarce. They built dwellings of snow, ice, skins, whalebone, driftwood, and other available materials, and designed highly specialized clothing to keep themselves warm and dry. They travelled by dogsled across the land, by *qayaq* (kayak) on the sea, and by *umiaq* (large boats with bone runners on the bottom) over ice.

The Subarctic

The Subarctic covers the largest proportion of Canada. Except for the tundra in the north, the Subarctic is largely covered by dense forests, with many lakes, rivers, and wetlands.

First Nations of the Subarctic traditionally supported themselves by hunting, trapping, and fishing, and by gathering edible plants. Like the people of the Arctic, they lived mostly in extended family groups, moving seasonally to take advantage of different resources. As a result, their home included a large territory. Family groups would gather at specific times of the year to celebrate, participate in ceremonies, and socialize with friends and relations.

The Eastern Woodlands

In the Eastern Woodlands, migratory movements were not usually required to take advantage of the region's animal and plant resources. In the southern parts of this region, for example, people lived in year-round settlements and grew crops such as squash, corn, and beans.

In traditional First Nations and Inuit cultures, people's sense of identity as human beings came from their relationship to the land and its resources. Each nation's specific connection to the land varied with the landscape. For example, Plains First Nations, such as those from the Blackfoot Confederacy, had ways of life and spiritual beliefs that centred on the buffalo, a significant resource of their region.

These settlements had large populations, so the people had more structured political systems than the mobile groups of the Arctic and Subarctic.

In northern regions of the Eastern Woodlands, agriculture was less common. As a result, ways of life and political institutions reflected the needs of smaller, more mobile groups.

The Plains

On the Plains, First Nations life revolved around the buffalo. For thousands of years, the buffalo provided the people with food, fuel, clothing, bedding, tools, ceremonial objects, and shelter. It was the centre of many spiritual traditions.

For much of the year, Plains First Nations lived in groups of 80 to 240 people. In the summer, several such groups gathered for communal buffalo hunts, social events, and ceremonies. Political institutions adapted to the size of the group, becoming more structured when larger numbers of people gathered.

Like symbols of the buffalo, which appear in the artwork of Plains First Nations, images of salmon often appear in the work of artists with a Pacific Northwest heritage. This house post was carved by Xwa-Lack-Tun (Rick Harry) as part of the Emily Carr Institute's carving apprenticeship program. Such symbols reinforce the significance of the salmon in traditional ways of life.

The Plateau

First Nations of the Plateau region supported themselves by hunting, by gathering edible plants, and by fishing in the region's many rivers and streams.

For most of the year, people migrated in seasonal patterns, living in temporary wooden lodges or hide-covered tipis. In the winter, they gathered together in larger, semi-permanent villages along the rivers. Their systems of leadership and government, like those of other First Nations, adapted to the needs of the community and size of the group.

The Pacific Northwest

In the resource-rich coastal areas of the Pacific Northwest, First Nations lived in large, relatively permanent settlements. The forests had abundant game and edible plants, and the enormous trees provided excellent building materials. The ocean offered fish, shellfish, and marine mammals, and the rivers teemed with salmon. As in the Eastern Woodlands, the high concentration of resources encouraged people to live in large groups. This resulted in highly structured social and political lives.

These geographic and cultural classifications serve as only a rough framework. First Nations and Inuit peoples of long ago did not always conform to such neat categories. Groups living in similar environments sometimes had very different ideas, languages, and lifestyles. Cultures evolved naturally, and ways of life adapted to suit specific circumstances, not arbitrary categories.

For example, the Métis culture that developed in the West was a combination of European and First Nations traditions. This was a natural response to social and economic conditions of the fur trade, in which Europeans and First Nations were partners.

In general, however, the geographic divisions described in this section offer a way to make reasonable generalizations about highly diverse First Nations and Inuit cultures. In turn, the generalizations point to how closely the cultures are tied to particular lands.

TRADITIONAL TERRITORIES

To the eyes of the first European arrivals, Canada looked like a wilderness, largely uninhabited and undeveloped. The Europeans came from a continent of cities, factories, and farms. To them, Canada was a land of untapped potential.

To First Nations and Inuit eyes, of course, the land looked very different. It was their home, the provider of life — not a resource to be tamed and exploited.

Most First Nations people did not see one particular spot on the landscape as home, the way somebody from London or Paris might. Their way of life encompassed large territories. Even groups from the Pacific Northwest and Eastern Woodlands used large territories around their permanent settlements. Many people moved from place to place throughout the year in a **circular seasonal time frame**. Their movements followed traditional trails that corresponded to seasonal change and the availability of resources. Land and resources might be shared, depending on circumstances. Territories might overlap or shift

over time, but people generally lived in much the same territory as their ancestors and travelled the same routes each season.

As part of seasonal movements, people encountered other groups and had various ways of ensuring harmonious relations. These included gift-giving, intermarriage, treaties, and other kinds of alliances.

At certain times of the year, many different groups would gather at specific locations to trade, renew alliances, and socialize. In Alberta, two regular meeting areas included Head-Smashed-In in southern Alberta and Ena K'ering Ká Tuwe (Cree Burn Lake) in northern Alberta. People gathered regularly at these spots to use communal resources and trade with one another.

Despite a certain degree of territorial flexibility, First Nations derived much of their identity from their relationship with specific places on the landscape. These relationships did not change. Many First Nations' names reflect the environments in which they lived. The Huron called themselves Ouendat — "the people of the peninsula" — because their territory was surrounded on three sides by water. The Maliseet of New Brunswick call themselves Welestuk — "of the beautiful river." The Gitskan are the "people of the Skeena [River]" and the Toquaht are the "people of the narrow beach."

The people of such territories had many rules about respecting and preserving the integrity of the area. Ensuring that the Skeena River was healthy was tantamount to ensuring that the Gitskan, the people of the river, were healthy.

CONTROLLED BURNS

As First Nations have known for generations, contemporary forest managers have learned that periodic fires help maintain healthy forest ecosystems.

Many traditional forms of Aboriginal governance reflected the need to care for the land. One traditional technique was the use of controlled burns — deliberately set fires — to increase the diversity and productivity of animals and plants. Through traditional knowledge, gained from generations of observation and experience passed down through the oral tradition, First Nations knew that more abundant game and plant life lived in areas regenerating after a fire. The nutrients from the ashes of the burned vegetation encouraged the rapid growth of trees, shrubs, grasses, legumes, bulbs, berries, and other plants. The lush new growth attracted bison, moose, deer, elk, hares, and grouse, as well as predators, such as coyotes, wolves, and bears. Rivers and lake shores cleared of dead reeds and grasses attracted beavers and muskrat.

The ways First Nations used fire varied according to their needs and the time of year. Controlled burns were used to create or enlarge meadows for game, to clear sloughs and lake shores of dead plant material, to clear trails of brush to make travel on foot or horseback easier, and to clear forested areas of deadwood.

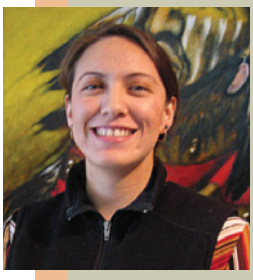
As contemporary forest managers now understand, deliberately set fires in early spring or late autumn are less dangerous than natural fires started by lightning in the summer. Humidity and wet vegetation in the spring and autumn help to keep the fires small and easy to control.

REFLECTION

How are traditional land management techniques a form of governance? How might First Nations and Europeans see this aspect of governance differently?

LAND AND GOVERNANCE

The excerpt on this page is from research by Paulette Fox and Duane Mistaken Chief, members of the Blood Tribe. Fox, mother of five-year-old Austin, works in environmental research and protection and has completed her Master of Science thesis. She will graduate in June 2005. Mistaken Chief is a past member of the Iitskinaiyiiks (Horn society). Along with others, he assisted in bringing back the Kakkoiksi (Dove society). He works at Red Crow Community College, where he researches and teaches Blackfoot Language and Culture.



Paulette Fox

For the Blackfoot, the land is a source of life, just as a human mother is a source of life. The Rocky Mountains border the traditional territory on the west; the Blackfoot people refer to these mountains as the Backbone of the Earth, or *mistaakii*. In other words, She carries us on her back. In an interview, Pablo Russell, a member of the Blood Tribe in Southern Alberta, said

> *…Our hair is the grass on the prairie; our bones are the mountains; our veins and arteries are rivers, streams, creeks; our breath is the wind; our heart is in the middle of the earth.... So for us Mother Earth is more than just a provider. For us, She's our teacher, our protector; we learn from Her… we heal from Her.*

Duane Mistaken Chief

From this quotation, we see that, in many ways, the land is alive, it is real, it is the Mother of all life on earth. The Blackfoot hunted and harvested for their sustenance. As a result, the minerals in their bodies and the minerals in the plants and animals were very much the same, and, therefore, there was equilibrium between the people and the surrounding environment. So, we begin to see, as Mr. Russell implies, that the Blackfoot are the land.

How do the Blackfoot view the land? They view the land in terms of their alliances, as themselves and as other life forms. Therefore, when they view the land, they see themselves and all life. So when managing the land, they are really managing the relationships with their family, friends, and also their relationships with plants and animals, like the beaver and the bison. These relationships are critical to understanding the way in which the Blackfoot view and in turn manage the land they call *nitawahsinnaan*. Translated, this means source of food/sustenance.

[During the winter, various Blackfoot clans] would come together and this was the time to tell stories, to carry out the oral custom. After winter, the clans would move to other parts of the territory, and at these times, Russell provides that the people "would move every three days so the grass could stand back up, we didn't overuse an area." He also comments that if the clans camped in twos, or more, they would camp a couple kilometres apart. They wanted to be able to have clean water and this space between them allowed the water to filter itself and be clean for downstream users. Some clans preferred the hummocky terrain of the prairie regions and were named for this. Some preferred the mountain terrain and were named for this. No matter their preference, wherever they were, they had a responsibility to care for and treat the land with respect.

REFLECTION

In your own words, explain the form of traditional governance described by Fox and Mistaken Chief.

TRADITIONAL GOVERNMENT

Aboriginal people's traditional leadership and decision-making methods were closely connected to how groups lived on the land. For example, small groups that migrated seasonally had different needs from large groups that lived in permanent settlements.

Small groups can be more flexible about leadership and decision making because it is easier to ensure that everyone has a voice. Leaders can be called upon when needed, and group members consulted informally. For example, in migratory groups of the Plains, Arctic, and Subarctic, leaders were often not selected in a formal way. They were more often recognized by their community in a process that was informal and fluid, depending on the needs of the group. Members of a community might turn consistently to particular individuals for guidance on spiritual matters and others for guidance on hunting or conflict resolution. Sometimes several individuals would be held in high regard as leaders for a group.

Other circumstances, such as large ceremonial gatherings or communal buffalo hunts, might require more formal leadership and peacekeeping. Each nation and community had its own ways of dealing with large groups, but governance always responded to the needs of the people and the land.

For example, the Dunne-za did not have laws. According to Dominique Habitant, a Dunne-za First Nation Elder, the people instead asked Teegay Ontlay (He Who Made the World) for guidance.

Blueberry pickers like Flora Venn, pictured here at La Ronge, Saskatchewan, traditionally scattered a few berries and prayed as a way of giving back to the earth and saying thank you. How could this spiritual practice be considered a technique of land management?

People would then get direction through dreams or signs. Sometimes a prophet or wise person would get special knowledge.

In traditional worldviews, one area of life cannot be separated from another. Government was traditionally not an aspect of society that was separate from other aspects, such as hunting, spirituality, and culture. All were woven into customs and practices that made a way of life. The source for all customs and laws was the Creator.

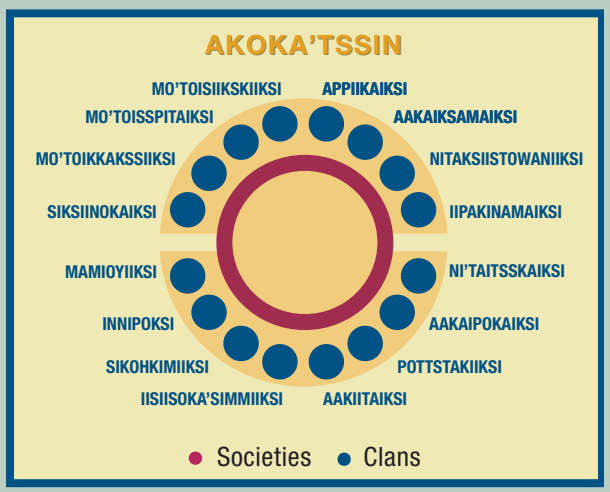
For many First Nations, the Creator's laws were apparent in the way the world functioned. The Creator's laws governed all of existence, not just human interactions. People were reminded how they should live by observing the natural world around them — animals, plants, weather, stars, and the moon. Laws of governance could not conflict with economic, social, or spiritual laws, because all followed natural laws. Natural laws are the Creator's laws written upon the world.

LAND GOVERNANCE AND THE SUNDANCE

Paulette Fox and Duane Mistaken Chief, whose work you began reading about on page 42, also write about the *Akoka'tssin* (Sundance) and its significance in terms of Blackfoot land management and governance. Their work demonstrates how traditional Blackfoot culture expressed and reinforced its system of law in daily life, symbolism, and ceremonial gatherings. An excerpt from their work follows.

There are four tribes in the Blackfoot Confederacy. Each moved and had their own general areas that they occupied. In turn, each tribe had several clans. Clans would gather resources and then share them. You might think of clans like a group of family and friends working together....

Throughout Blackfoot territory are ancient rock formations that record a lived experience that goes back many generations. Allan Wolf Leg, member of the Siksika Nation, talks about the rock formations as "memorializing" some important aspects of the Blackfoot way of life; the Blackfoot refer to this as *kipaitapiisinnooni*. These memorials or monuments became *living* memorials about 2000 years ago. The rock formations were visited but no new ones were constructed. Instead, a living circle of clans was formed once a year, during *Akoka'tssin*, the "time of all people camping together": the Sundance. Inside the living circle are Societies.



Wolf Leg talks about these Societies as law libraries. The people are walking files who record the lived experience and the relationship with the surrounding environment is renewed in the ceremony processes. The rules of these Societies make up the rules of governance, and because the people were so close to the land as in their relationships, it also translates as the rules of land governance.

The roles of clans and Societies are interconnected. In this diagram of the Kainai *Akoka'tssin*, the clans are on the outside, or the rim of the circle. In this way they are protectors of the Societies, who in turn hold sacred, holy information. These are the laws. This information is meant only for Society members, but all the people take part in feasts. The Societies that feed the people are, in the words of Beverly Hungry Wolf, essentially *giving them life.* And life is sacred.

Each clan has its own specific place in the circle and in turn it has its own region in the territory that they occupy. In this way, the direction in the circle where they set up camp for the *Akoka'tssin* also extends to the land, *nitawahsinnaan*. The way they come together to make a living memorial, they also leave and go about their business, keeping in mind these ways of the *Akoka'tssin*.

Your Project

Using correct protocol, invite an Elder to visit your class to discuss his or her culture's traditional land management or governance system. How was this system an integral, living part of people's lives? How did the people use various types of symbolism and expression to reinforce their system of governance?

MÉTIS GOVERNANCE

Traditional Métis governance was also tied to the land, but in a different way than First Nations and Inuit governance. Like many First Nations, Métis people at Red River relied upon the buffalo hunt for food, clothing, and trade. Hundreds of men, women, and children needed to be organized and prepared for their roles in the hunt. At the beginning of each hunt, captains, soldiers, and guides would be selected by the group, with one captain as senior leader. These leaders formed a council that developed strict rules to ensure the hunt's success and to deal with any problems.

This structure and style of leadership was easily adapted to military situations, which was part of the reason Métis people were a powerful force in situations of conflict. Métis history includes many military victories, such as the Battle of Seven Oaks in 1816 and the Battle of Grand Coteau in 1851.

Métis settlements had organized systems for governing life outside the hunt as well. Rules reflected the values and priorities of the community. As early as 1870, the Métis people from the Lac Ste Anne, St. Albert, and St. Joachim parishes in present-day Alberta had a comprehensive set of laws for their communities, along with a clear system for enforcement. These laws are known as the Laws of St. Albert.

Church leaders were instrumental in developing the laws, reflecting the cultural importance of the Roman Catholic Church to the communities. A number of the laws reflected moral attitudes about correct behaviour that came from the church's teachings. However, the rules also reflected how the community made their living off the land. Of the thirty-nine Laws of St. Albert, fourteen dealt with horses, cattle, and the management of land and fences. The importance of horses to the community is clearly revealed by comparing the penalties for offences. The fine for horse theft — four pounds, ten shillings — was the same as the fine for assaulting a person with a weapon.

Around 1892, when this photograph of St. Albert was taken, the Roman Catholic mission played a dominant role in the lives of Métis people in the area. The mission is visible on the hill to the left of centre.

Rules of the Buffalo Hunt at Pembina, 1840

1. No buffalo to be run on the Sabbath-day.
2. No party to fork off, lag behind, or go before, without permission.
3. No person or party to run buffalo before the general order.
4. Every captain with his men, in turn, to patrol the camp, and keep guard.
5. For the first trespass against these laws, the offender to have his saddle and bridle cut up.
6. For the second offence, the coat to be taken off the offender's back, and be cut up.
7. For the third offence, the offender to be flogged.
8. Any person convicted of theft, even to the value of sinew, to be brought to the middle of the camp, and the crier to call out his or her name, three times, adding the word "Thief" at each time.

— from *Métis Land Rights in Alberta: A Political History*

ABORIGINAL LEADERS AND LANGUAGES

Blackfoot	*kinniina* (head chief, literally "chief with the medallion")
Cree	*onîkanîw* (leader)
Dene Sųłiné	*k'o theri* (male chief, literally "big boss") *k'o teri ts'ekwi* (female chief) *naiyati* (council, literally "they get together to discuss something")
Dené Tha'	*ndagha lo ndadedi* (the person who stands up first for us)
Dunne-za	*maytee* (chief)
Inuktitut/ Inuvialuktun	1. *hivulliuktit* (person who is a leader) 2. *itqillit ataningat* (First Nations leader) 3. *atanikpak* (a person who people look up to, literally the "big boss")
Métis Cree	*kiskinoh'tahi wew* (leader)
Michif	1. *chef* 2. *la tet* 3. *le bos*
Nakoda	*hunga* (chief)
Saulteaux	1. *okimahkan* (chief) 2. *kikitowinini* (band councillor)
Tsuu T'ina	*ha ki gi* (chief)

ABORIGINAL LEADERSHIP THEN AND NOW

In Métis history books, leaders are individuals with gumption and fire, people like Gabriel Dumont and Louis Riel. They are crisis leaders who emerge when Métis communities are threatened. They fight for their people's rights, without any kind of personal agenda.

However, these leaders were not the only or even most common kind of leader. Many more Métis leaders, like those of First Nations and Inuit peoples, were admired for particular skills and abilities. They led because others looked to them for advice and guidance.

In Aboriginal communities today, leadership can be informal and more traditional, or formal and more contemporary. Some people lead with a combination of both styles.

Formal leadership is structured and involves governance over a particular group, often for a fairly long period of time. Expectations are clear and the leader has assigned

Indigenous Knowledge

Athletic competition offers many opportunities for individuals to excel and become role models for others. The North American Indigenous Games (NAIG) were first held in 1990 in Edmonton. First Nations people from Alberta, such as Willie Littlechild and John Fletcher, were instrumental in the vision guiding the formation of the games. The NAIG offers many young Aboriginal people the opportunity to meet and compete against one another in a variety of sports.

What Aboriginal athletes can you name? In what sports do they excel? Do you consider them leaders? Explain why or why not.

Team Alberta is shown here at the North American Indigenous Games in 1995, which were held in Minneapolis, Minnesota.

duties. Chiefs and band councillors are the most obvious example.

Informal leadership is less structured. Informal leaders often evolve as others naturally turn to them for guidance because of their skill, experience, or wisdom. In traditional societies, someone who was a skilled hunter might act as leader of a hunt and then, when the hunt was over, return to his usual position in the group. Another leader might be a gifted artist, speaker, cook, or storyteller.

The characteristic of many Aboriginal leaders that makes them distinct from many non-Aboriginal leaders is that they often do not seek leadership roles. Even political leaders who run for office and are elected through popular vote frequently take this step only at the request of Elders or others in their community.

Persistence and the ability to make a difference are valued leadership qualities in both Aboriginal and non-Aboriginal communities. Both cultures also require that leaders foster the trust of their followers. The best leaders, whether formal or informal, are those who inspire others to achieve tasks and attain high goals.

Issues for Investigation

COMPARING CULTURAL FORMS OF GOVERNANCE

How does culture affect systems of government?

WHAT TO DO

1. Research traditional Aboriginal leadership and government systems through oral history and other stories from oral traditions. You might use published collections of Elders' stories or, if possible, approach an Elder from a local community to share knowledge with you. If you do approach a community Elder, be sure to use proper protocol.
2. Examine ideas of leadership in non-Aboriginal society. You might look at news stories about people considered to be leaders, biographies, books about leadership skills, or even career ads for management positions. What leadership qualities and styles seem to be most desired in non-Aboriginal society?
3. Create a collage or other work of art that captures the ideas you find in your research. Consider using symbolism appropriate to the leadership style you are trying to convey.

4. Present your work to your class. What do leadership styles convey about a people's culture? Are there significant differences between contemporary Aboriginal leadership and non-Aboriginal leadership? Explain your answer with specific examples.

ROLE OF ELDERS IN THE SCHOOL

Elders are traditional leaders found in all Aboriginal communities. Yet their precise role can be difficult to pin down. Some are keepers of traditional ceremonies and practices. Others have special kinds of knowledge or wisdom. However, their leadership roles are usually informal. Finding an Elder can take many discussions with community members.

Bob Cardinal has been an Elder at Amiskwaciy Academy for many years.

Humility is an important part of being an Elder. For example, once someone quite bluntly asked me "Are you a pipe carrier?" I replied that the pipe carries me. I'm honoured to use it.

I don't proclaim who I am, but when protocol (tobacco) is made, that's when you come as an Elder. Being an Elder is being a servant of our Creator, of the people, and lastly of yourself.

The first time I was called an Elder was ten or fifteen years ago. I was in a large group where everyone introduced themselves. I said that I was an *oskapis*, a cultural helper. An old man who I didn't know, an Elder, said I was "a baby Elder." I'm just learning.

Being an Elder is learning how to discipline yourself in a spiritual manner. Being a humble servant of the Creator is to walk where no one has walked before and to open doors to anyone who wants to listen.

Elders have earned the respect of the community. I try to follow the teachings of Joe P. Cardinal, whose gentle, patient, humble wisdom showed me that Elders are people who walk softly on Mother Earth. If you follow your heart, you cannot go wrong. The greatest gift is love. With anger you cannot grow anything.

If you respect other people and the ceremonies, that respect comes back to you.

— Bob Cardinal, Enoch First Nation

Amiskwaciy Academy in Edmonton is a high school that operates with Aboriginal values and beliefs at its core. In contrast to informal leadership roles, the school has several Elders on staff to assist with various functions. Assistant Principal Theresa Cardinal wrote the description of Elders' roles at Amiskwaciy that follows.

Summary

The title Elder does not necessarily mean a certain age. In Aboriginal society, one is designated an Elder after acquiring significant wisdom, experience, and knowledge, and after he or she has been accepted by the community as worthy of the title. Some Elders possess a wide range of knowledge and skill in several areas. One Elder may be recognized for expertise in the field of past, present, and future politics, while another may be recognized for expertise in oral history, storytelling, legends, spiritual beliefs, or arts. When Elders share, the traditional knowledge can expand a student's insight beyond the perspectives of the teacher and classroom resources.

Prior to approaching an Elder to share his or her knowledge, it is essential that the individual seeking information initiate the cycle of giving and receiving through an appropriate offering. This offering represents respect and appreciation for the knowledge that will be shared by the Elder.

I was sent to the Fourth World Women's Conference (Beijing, 1995) on behalf of the National Métis Women of Canada. I was co-chair of the Canadian Beijing Facilitating Committee. When the meetings got going, I was very busy and hadn't been to the Indigenous Women's Caucus tent for two days. I remember rushing over to the tent and into a circle of women. I heard someone say "Here comes our Elder," and I looked behind me to see who they were talking about. When I realized they meant me, I was shocked. That was the first time anyone honoured me with the title of Elder. Shortly after that time, I was named to the provincial Elder's Council for the Métis Nation and have been an Elder Advisor at Amiskwaciy Academy in Edmonton for five years.

— Marge Friedel, Métis Nation of Alberta

What role do Elders, such as Marge Friedel, shown here with a student at Amiskwaciy Academy in Edmonton, have in the future of indigenous peoples' cultures? Why do Elders and youth often share a special relationship?

Responsibilities

1. Provide guidance, support, and counselling to students and staff.
2. Provide support and offer advice to the teaching staff.
3. Conduct ceremonies and other spiritual events as required.
4. Assist in the development of culturally relevant lesson plans.
5. Assist in the instruction of crafts and other culturally related activities.
6. Offer individual and group consultations. Be able to lead healing circles.
7. Provide cultural meanings to events and experiences.
8. Assist in the recording and collection of various cultural events or activities.
9. Provide support within resolution circles that deal with crisis or re-entry to school after suspension.
10. Provide support for staff for de-briefing, especially after stressful situations in school or other locations.

◧ REFLECTION

How are Elders leaders at Amiskwaciy Academy? How does their leadership differ from other leaders at the school, such as teachers or administrators? If you have Elders available as resources in your school, invite them to your class to discuss their ideas about leadership.

LOOKING BACK

In your own words, explain the historical relationship between First Nations and Inuit peoples and their traditional territories. Describe how this relationship was seen in traditional forms of government. How was government related to other aspects of life, such as spirituality? How was traditional Métis governance different from First Nations traditions? What aspect of Métis culture likely influenced these differences?

Self-Government and the Growth of Canada

AS YOU READ

As you learned in the last section, traditional Aboriginal forms of government are intimately connected to ways of life on the land. Laws govern not only people's relationships with one another, but also with other groups of people, and with the land and its resources.

Pages 50–57 examine how Aboriginal peoples' self-governance was impacted by the creation and early growth of the Dominion of Canada. As you read, think about how and why First Nations, Métis, and Inuit peoples' relationships with the federal government followed different paths. As you read, try to answer the questions that follow: What powers of self-government are essential? What attitudes shaped federal government policies? What were First Nations' expectations for self-government as established by the numbered treaties? What happened to First Nations' cultural and political traditions under the Indian Act? How were Inuit and Métis peoples' self-government affected by federal government attitudes and policies?

As you learned in Chapter One, the numbered treaties established the basis upon which Canada expanded its territory as a nation and upon which First Nations took their place within the country. These treaties and the legislation enacted to implement them continue to shape the federal government's role in the lives and governments of First Nations people.

Métis and Inuit peoples' relationships with the federal government followed different paths. Neither group signed a treaty with Canada. This has led to relationships with the federal government that differ from each other and from First Nations.

This silver medal, which has Queen Victoria's head on the back, was presented to the chiefs and councillors of Treaty Eight. Most First Nations leaders argue that the right of First Nations people to self-government has never been given or taken away. How does the symbolism on this medal support their position?

WESTERN FIRST NATIONS IN EARLY CANADA

The federal government began making treaties with First Nations soon after Confederation. Between 1871 and 1921, they signed eleven numbered treaties with First Nations across the West.

First Nations that signed treaties believed that the agreements made provisions for their traditional way of life, including government, to continue. The basis for this belief includes oral promises made during treaty negotiations and interpretations of written treaty terms.

Also significant is the nature of traditional forms and roles of government in the lives of First Nations people. For example, to First Nations treaty negotiators, a guarantee of hunting rights was not and could not be separate from a guarantee of traditional forms of government. For many First Nations, the people who led hunting parties *were* the government, or at least a significant part of it. Traditional hunting could not exist without traditional leadership.

For federal government treaty negotiators, however, culture, religion, economy, and government were separate, although intersecting aspects of society. Each aspect had its own set of institutions and priorities. A guarantee of hunting rights would have meant a guarantee of some economic independence, but government would not likely have been

considered part of the promise. To government negotiators, the right to traditional government would need explicit mention in the treaty agreement in order for it to be legitimate.

Furthermore, in a European worldview, priorities from one aspect of life could compete with priorities from another. Cultural priorities could compete with political priorities, for example. The best resolution of conflicts between different priorities would be one that satisfied a majority of people.

From a First Nations worldview, all aspects of life followed one set of laws and priorities: those of the Creator. Conflicts would be resolved with a holistic view to the resolution that would best satisfy these laws.

Given these different understandings of how the world functioned, it is not surprising that treaty negotiators misunderstood one another. When treaties included the statement that follows, for example, it is likely that First Nations believed their rights to their traditional way of life, including the right to govern themselves, were guaranteed:

> Her majesty further agrees with her said Indians that they, the said Indians, shall have the right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described…

This understanding, plus oral testimony from Elders who were witnesses to the signing, give clear evidence that First Nations did not believe they were giving up their right to govern themselves when they signed the treaties.

The presence of religious officials at treaty negotiations made some First Nations more willing to trust government officials. Here Father Lacombe is shown to the right of commissioner J. A. Cote at Athabasca Landing, Alberta, in 1899.

Church officials in Treaty Eight and the Royal Canadian Mounted Police in Treaty Seven were influential in convincing First Nations to trust treaty negotiators. Their presence and support of the agreements often tipped the scale in terms of treaty acceptance, as shown in the statement that follows about Treaty Eight.

My dad was there when they first signed the treaty. It took two days for the whitemen to convince Mikisew (Metkitin [Cree leader]) to take the treaty money. The whitemen were the Queen's workers, government people. On the third day a priest went with the whitemen to see Mikisew. He told Mikisew to "take the money and nothing would be taken away from your people, for example, hunting and trapping rights." Mikisew took the money, which was $25.00 then.

— Mary Rose Waquan,
Inkonze: The Stones of Traditional Knowledge

In many cases, these influential officials felt misled by government negotiators in the decades following the treaty signings. Bishop Breynat states his disillusionment in the passage that follows.

I was present at nearly all places in the north when the treaties were signed. In many places it was my influence which resulted in the Indians signing these documents.... It has been a great personal disappointment to see my word broken by the thoughtlessness of a nation.

— Bishop Breynat, *Inkonze: The Stones of Traditional Knowledge*

Issues for Investigation

INTERPRETING TREATIES AND SELF-GOVERNMENT

Self-government, *aawattokakihtsimaani* in Blackfoot, *nehiyaw pimipayhisôwin* in Cree, and *i daa na hih na naa a* (we will determine for ourselves) in Nakoda, is an inherent part of First Nations life, identity, and spirituality. The Cree describe inherent rights as *pimâtisewin tân'si Kisemanito kâ kî isi miyikoyahk* (to live as the Creator intended). Similarly, the Blackfoot describe inherent rights as *iitoomita'paisso'p anno ksaahkoi* (The Creator gave us our way of life. We were here first on the land.) Given the significance of these ways of life, it is highly unlikely that First Nations would have willingly given them up during treaty negotiations. This concurs with oral history about treaty negotiations. As written in a 1979 paper titled "The First Nations: Indian Government and the Canadian Confederation,"

First Nations maintain that the written treaty documents do not adequately contain the full sense of agreement that was reached during negotiations. This full spirit and intent of the agreement can be accessed through oral history. Oral history indicates that First Nations ceded only specific, named rights, while retaining all others.... they granted some of their powers to the Crown in exchange for certain benefits and rights... Indian people entered into a political arrangement with the Crown so that they could live as Indian people forever... By signing the treaties, the Indian nations created an ongoing relationship with the Crown in Indian social and economic development in exchange for lands surrendered.

— Delia Opekokew for the Federation of Saskatchewan Indians

What was the spirit and intent of Treaties Six, Seven, and Eight with respect to First Nations self-government?

WHAT TO DO

1. Working with a small group, research the terms of Treaties Six, Seven, and Eight. All can be accessed online at the Indian and Northern Affairs Web site at *www.ainc-inac.gc.ca.* You can also access an interpretation of each treaty at the same site. Which treaty area do you live in? From the federal government's perspective, how would each treaty be interpreted in terms of First Nations self-government? Use evidence from the treaties to support your ideas.
2. Find oral history accounts of the three treaties. You might refer to books or Elders from a local community. If you consult with Elders, be sure to use correct protocol. What are First Nations perspectives on the intentions of each treaty with respect to self-government?
3. Within your group, compare the written text of the treaties with the spirit and intent of the treaties as provided by oral history. How do you interpret each in terms of self-government? Justify your ideas using specific evidence from treaty terms or oral history.

   Keep copies of the treaty terms and a record of where you found the best oral history accounts. You will use these resources again in Chapter Three.

Thinking About Your Project

How do different worldviews account for the different perspectives on how treaties should be interpreted? How has this resulted in conflict over time?

INUIT PEOPLE IN EARLY CANADA

In early Canadian history, Inuit land was not in demand for settlement or resources, so the Inuit way of life was left relatively undisturbed. In these early years, the federal government tended to consider Inuit people to be the same as First Nations. For example, although liquor laws that applied to First Nations reserves did not legally apply to Inuit peoples, many Canadian administrators in the Arctic applied them in northern communities.

Federal government attitudes of paternalism that characterized its relationship with First Nations applied to Inuit people as well. For example, Inuit did not traditionally have last names. Rather than accommodate this tradition, the government issued "dog tags" to Inuit people, with identification numbers inscribed on them. All Inuit were required to use these numbers in dealing with the federal government. Today, some Inuit still carry birth certificates identifying them with a last name like E3-568.

Whereas treaty agreements required legislation to enact them, the federal government had more flexibility to make and revoke policies affecting the Inuit. For example, the government established a relocation program that affected many Inuit communities for four decades, beginning in the 1930s. The government was, in part, responding to problems caused by decreasing game animals; its decisions were made without consultation with the Inuit people affected. As a result, communities were sometimes forcibly relocated to areas where environmental conditions made life even more difficult.

The federal government relocated many Inuit communities in an effort to maintain control of the Arctic during the early years of the Cold War with the Union of Soviet Socialist Republics. Here a group of Inuit in what is now Pangnirtuuq, Nunavut, watch the arrival of an Eastern Arctic patrol vessel in 1951.

The federal government felt no pressure to settle agreements with Inuit people until the 1960s, when companies began to explore the Arctic with the goal of exploiting the region's natural resources. By then, Inuit had begun organizing themselves and were prepared to negotiate agreements that would serve their people. These agreements, in the form of land claims, are part of Canada's modern treaty agreements. You will read more about these agreements in Chapters Three and Four.

The government's long-standing indifference to our part of the country was reflected in a remark by former prime minister Louis St. Laurent, who admitted in the early 1950s that the government "had administered those vast territories of the north in an almost continuing absence of mind." In the light of the historical experience of other native peoples in the south, we in the North should be thankful for this lack of interest on the government's part.

Our historical experience leads us to take a slightly different approach to the current discussions on aboriginal rights. Inasmuch as our culture and economy still remain closely tied to the land we see our chief task in the aboriginal rights debate as securing a guarantee from the federal government for the continuation of our historical rights.

— Peter Ittinuar, *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*

MÉTIS PEOPLE IN EARLY CANADA

By the early nineteenth century, Métis people could claim their own culture and sense of nationhood. In 1818, William McGillivray of the North West Company wrote "[T]hey one and all look upon themselves as members of an independent tribe of natives, entitled to a property in the soil, to a flag of their own, and to protection from the British government." Despite this strong sense of cultural identity, Métis people were not, at first, recognized by the Canadian government as a distinct group of Aboriginal people with rights of its own.

In the federal government's eyes, Métis people were either First Nations or Euro-Canadian. Métis people who lived according to First Nations traditions were considered First Nations, even if they did not belong to a First Nations community. Those who lived more in line with European traditions were considered European.

This dismissive attitude towards Métis culture meant the government did not consider it necessary to sign treaties with Métis groups as they did with First Nations. Unlike Inuit land, however, Métis land was among the first areas the Canadian government wanted to bring under its administration.

The Métis flag was first flown in 1816, the same year many historians mark as the birth of the Métis Nation with the Battle of Seven Oaks. The infinity symbol represents the coming together of two distinct cultures to produce the Métis people. Here the flag is carried as part of Back to Batoche memorials in 2001.

Red River Resistance

In 1869, the two-year-old Canadian government was uneasy about its ability to control the area that was to become western Canada. It knew the Americans had their eye on the region and feared they would move in to take it over. That year the government received the Hudson's Bay Company's agreement to sell Rupert's Land.

The Canadians showed no great concern for the rights or culture of the existing communities of the area, including the Métis settlement in the Red River Valley. Even before officially taking charge of Rupert's Land, the Canadian government sent in a survey team that showed plans to reorganize the system of land distribution at Red River.

Fearing their rights would be overridden by the new Canadian government, Métis people at the settlement demanded their right to enter Confederation on their own terms. Louis Riel emerged as the spokesperson for the Red River settlement and, in 1870, Métis people challenged Canada's right to their homeland in an event known as the Red River Resistance. Riel insisted that Red River was prepared to join Canada, but wanted guarantees of the Métis right to continue their culture.

The Manitoba Act

Métis resistance forced the Canadian government to recognize the rights of the Red River Métis. The Canadians negotiated with a delegation from the settlement and agreed upon terms for the entry of Manitoba into Confederation as a province. The

> We may be a small community and a Half-breed community at that — but we are men, free and spirited men and we will not allow even the Dominion of Canada to trample on our rights.
>
> — Louis Riel, *Strangers in Blood*

Manitoba Act, which enacted the agreement, contained most of the guarantees the Métis people under Riel had demanded in the resistance.

The Manitoba Act is significant today for several reasons. It explicitly recognized that Métis people held "Indian Title" to Manitoba. This means the government recognized that Métis people have Aboriginal rights, such as those of self-determination and self-government.

The act went on to establish an exchange. The Canadian government wished to avoid future Métis claims to territory, so it promised parcels of land to families that would give up their Aboriginal rights. The act promised to set aside lands "for the benefit of the families of the half-breed residents." Section 32 of the act went on to guarantee that those settlers "in peaceable possession of tracts of land at the time of the transfer to Canada" would be allowed to keep their land.

In practice, however, very little land ended up in Métis people's hands. The government was slow to recognize the title of existing communities, such as the Red River settlement. The system it established to give away land used **scrip**, a paper certificate the bearer could exchange for land. For many reasons, including fraud, confusion, greed, and incompetence, the scrip process was a disaster for Métis people.

DOMINION OF CANADA

Department of the Interior

NUMBER 0295

In conformity with Certificate from the ... granted by the North West Half-Breed Commission.

It is hereby Certified that under the authority of an order of the Hon^ble the Privy Council dated 30th March, 1885 as amended by the order of the 18th April, 1885 and in accordance with the provisions of sub-sec. 1 of Sec 31 & 46 Vic. Cap 17

Baptiste Kamiyande a Half-Breed

240 ACRES

is entitled to locate Two Hundred and Forty Acres of Dominion Lands open for ordinary Homestead and Pre-emption entry.

240 ACRES

The coupons attached to this will be accepted in payment of such lands on presentation at the office of Dominion Lands of the district within which such lands are situated.

Issued at the Department of the Interior, Ottawa this Sixth day of June 1898

N.B. This Certificate of no value when detached from coupons hereto annexed.

At the time the government issued scrip, many Métis people had little interest in farming. Most preferred a traditional life of hunting and trapping. This made it easy for banks and developers to buy scrip for bargain prices.

The few land grants that were distributed scattered families throughout Manitoba, rather than creating a Métis homeland. Many people sold their allotment — 240 acres (about 97.1 hectares) — for much-needed cash. Banks, speculators, and developers ended up with most of the land. By the early 1880s, many of Manitoba's Métis people had left the province, hoping to build a better life farther west.

The Métis attitude towards the Canadian federal government indicated a willingness to fit within the Euro-Canadian system. However, in exchange, they wanted a guarantee of land, language, and other rights. They demanded their right as an independent people to negotiate the terms of their entry into Canada. Once they secured their land base in Manitoba, status as a province should have guaranteed them a voice in the development of their province

Louis Riel was an astute Métis leader during the 1870 resistance at Red River. He was able to use the Canadian legal system to the benefit of his people.

and Canada. When the land transfer failed, however, many Métis people fell through the cracks.

The 1991 *Report of the Royal Commission on Aboriginal Peoples* concluded that "the promises made to the Métis population of Manitoba in return for their agreement to enter Confederation were violated or ignored on a massive scale.... It is certainly no exaggeration to describe it as a national disgrace."

Many Métis leaders argue today that this historic violation gives them a continuing claim to the Aboriginal rights recognized in the Manitoba Act.

The Dominion Lands Act

After 1870, Métis communities along the North and South Saskatchewan Rivers in the area that is now Saskatchewan grew quickly. Many Métis people who left Manitoba in the years following the resistance settled there, adding to an already sizeable Métis population.

As the decade passed, Canadian settlers began pushing beyond Manitoba in search of land. This forced the federal government to open up more land for settlement. In 1879, the Canadian government took steps to resolve First Nations and Métis land title in parts of western Canada beyond Manitoba.

The Dominion Lands Act promised to distribute the equivalent of 160 acres (64.8 hectares) of land to the head of every Métis family, plus the equivalent of 97.1 hectares to every Métis child.

MÉTIS RIGHTS AND THE MANITOBA ACT, 1870

Many Métis people in western Canada are descendants of people from the Red River settlements. They feel a common bond culturally and in terms of their rights to land. They look to the Manitoba Act of 1870 as an official affirmation of their land rights.

EXCERPT FROM THE MANITOBA ACT, 1870

31. And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor General in Council may from time to time determine.

REFLECTION

What other rights are guaranteed by the Manitoba Act? How would these rights guarantee Métis self-determination? You can find a copy of the full act online or in a book.

Scrip commissions met with Métis people as First Nations treaty commissions took place. In the government's view, it was settling all Aboriginal claims to land in the West at once — either through treaty or through scrip. Individual Métis people were sometimes offered the opportunity to "take treaty," officially becoming First Nations people in the eyes of the federal government, or "take scrip," giving up all future claims to Aboriginal rights. In some cases, First Nations people were offered the same choice.

Like the Manitoba Act, however, the Dominion Lands Act failed to produce any lasting benefit for most Métis people. Few ever received land. The Métis people who did found their close-knit families and communities scattered over a large territory, making it difficult to preserve Métis culture. Many chose to move in search of land where they could re-establish their communities.

Road Allowance People

Some Métis people found themselves displaced over and over from the lands they settled. Some homesteaded raw land for many years, only to be forced to move when the government allocated their land to other settlers or for other purposes.

Some of these displaced people lived as squatters, building makeshift homes along road allowances, the thin strips of public land set aside for road construction. As a result, they became known as the Road Allowance People. Some Métis Elders have happy memories of those times. Many communities had vibrant social and cultural lives, with regular parties and dance nights.

Life along the road allowance, however, was also precarious. Because the people held no legal title to the land, they lived in fear of continued displacement. During the 1930s, for example, the government forced thirty road allowance families from Ste Madeleine, Manitoba, to relocate so that their community could become a public pasture.

Crooked Lake was a road allowance community in Saskatchewan that was established between 1885 and World War I. Many of the people in the community had relatives in the Qu'Appelle Valley and in North Dakota. This photograph shows four Crooked Lake residents (left to right): Lily Perrault, Lucy Pelletier, Celina Pelletier, and John Pelletier.

LOOKING BACK

Summarize how the early Canadian government approached First Nations, Métis, and Inuit peoples and their land. How did each of these groups approach their relationship with the new Canadian government? How did events and decisions affect each group's ability to govern itself?

The Indian Act and First Nations Rights

AS YOU READ

In 1876, as treaty negotiations and the scrip commissions were occurring in the West, the Canadian Parliament passed the Indian Act. The government claimed that the main purpose of the act was to consolidate all laws relating to First Nations into a single piece of legislation. Despite this, the act was passed without any consultation with Canada's treaty partners, the First Nations. As you read this section, think about how the Indian Act differed from traditional First Nations systems of governance, and how First Nations responded to the legislation.

By 1876, the Canadian government had many laws that related to First Nations people. These included legislation inherited from the British colonial government and those the Canadians had passed since Confederation. The **Indian Act** was passed by the federal government to bring together all such legislation into a single act.

At its core, however, the act had another vision and purpose. As noted by the superintendent general of Indian Affairs at the time, David Laird:

> [The] true interests of the aborigines and of the State alike require that every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that is clearly our wisdom and our duty, through education and every other means, to prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship.

Reflecting Laird's point of view, the Indian Act set out a highly paternalistic approach to the federal government's relationship with First Nations. It is an approach that continues to **alienate** many First Nations people to this day. As presented by Laird, the purpose of the Indian Act was to encourage assimilation. **Assimilation** is the process of absorbing or being absorbed by a group or system so that all parts of the group are the same. Previous legislative acts also promoted assimilation, but the Indian Act consolidated the government's policies.

The Indian Act should have been consistent with the terms of the treaties the government had signed or was in the process of signing with First Nations. Signatories to a treaty have an obligation to ensure that their legislation complies with the treaty agreement. A treaty has the force of international law because it is an agreement between sovereign nations.

In reality, the Indian Act gave the federal government many specific powers over First Nations living on reserves. Most of these powers were not mentioned in the written treaty documents. For example, the Indian Act defined who was and was not a First Nations person — in the terms used by the act, a **Status Indian** and a **non-Status Indian**. Status meant having certain rights and privileges — generally those established by treaties. The act stated that any male person of First Nations ancestry belonging to a particular **band** (the act's term for each First Nation group), any child of such a person, or any woman who is or was married to a Status Indian was entitled to status under the act.

David Laird was the first lieutenant-governor of the Northwest Territories who lived in the region. During his term from 1876–1881, he was involved in treaty negotiations throughout the region.

This definition meant that any First Nations woman who married a non-status man lost her own status under the act, as did her children. Yet a non-status woman (including a woman without any Aboriginal ancestry) who married a man with status would receive First Nations status, as would her children.

People without status had, at least in theory, the same rights as all other Canadians. The government's definition ensured that over time, fewer and fewer individuals would receive status under the act. This reflected its assimilation goals.

The government's definitions created divisions between families and communities, making united action against the policies difficult, if not impossible. In addition, the act gave the federal government control over administrative and financial matters on reserves, such as the sale and leasing of reserve land. Money received for timber or other reserve resources were mostly held in trust for the band — only 10 per cent was given to band budgets. The act established rules for **band councils**, which were to govern First Nations using European laws and systems. Traditional hunting, fishing, and trapping activities outside the reserve were subject to provincial government regulation. These activities were often permitted only within reserves, in spite of treaty provisions that explicitly promised otherwise.

The Indian Act was passed with the intention of implementing the terms of the treaties and of establishing the status of Indians. It was made the main body of law from which the legal rights of Indians flow. This was one of the first major steps taken by the government of Canada to weaken the treaties signed with our people, for now it is from the Indian Act that the legal position of the Indian primarily stems, rather than from the treaties themselves. This piece of legislation that was supposed to implement the terms of the treaties was surely written by people who understood or cared very little about protecting human rights but who were thoroughly concerned and familiar with concepts and laws characteristic of colonial powers.

— Harold Cardinal, Sucker Creek First Nation, *The Unjust Society*

THE INDIAN AGENT

The federal government's representative on reserves was called the Indian agent. This agent, who was generally non-Aboriginal and male, held great power. Most lived on the reserve and were responsible for its administrative affairs. The agent controlled the proceedings of band council meetings, approved all bylaws passed by the band council, and managed band finances. He explained and advised band council members on their powers and responsibilities.

In addition to these administrative duties, the agent had considerable political power. He could, and often did, remove chiefs and band councillors for their unwillingness to follow the federal government's rules and regulations. He also had the power to disband any political organization on the reserve that was not approved by the federal government.

Indian agents enforced band bylaws and punished those who broke rules and regulations. For example, First Nations people were not permitted to drink liquor on or off the reserve. The Indian agent could enforce this law or punish

The Indian Act determined the educational needs and opportunities for First Nations. It permitted the government to establish a system of residential schools that removed children from their families and communities. Traditional languages and customs were forbidden in these schools. What do you notice in the photograph that would assist the government's assimilation goals? This photo is from 1900 at the St. Joseph Residential School, which was located a few kilometres south of Cluny, Alberta.

those who broke it. At one point, the agent was even responsible for controlling the movement of First Nations people on and off the reserve. First Nations individuals were not allowed to leave the reserve without the agent's permission, a restriction that lasted until the mid-1950s.

The Indian agent also inspected reserve schools and health conditions. In personal matters, he presided over marriages, executed wills, and supervised estates. The agent even intervened in personal disputes among band members.

In short, the Indian Act gave one individual control over a vast array of political, economic, social, and cultural functions. Traditionally, such functions had been managed communally through customs and traditions passed down through oral tradition. This substitution of the rule of one for the rule of community would have been bad enough. To make matters worse, that one person was usually from outside the community and rarely had much insight into the specific customs of the First Nation he administered.

Indigenous Knowledge

How did the Indian Act affect First Nations individual, economic, social, and educational rights? List at least one example for each. How did the act contradict treaty promises?

FIRST NATIONS GOVERNMENT UNDER THE INDIAN ACT (1876–1951)

Like the British colonial government before them, the Canadian federal government believed that traditional First Nations governments were inferior because they did not resemble their own. Traditional systems of leadership and governance were often subtle and indirect. Non-Aboriginal people, familiar with more structured institutions, often believed that First Nations had no government. Through the Indian Act, the federal government removed traditional First Nations government systems and replaced them with European systems.

We find the Indian Act of 1876 is not calculated to promote our Welfare if we accept it because it empowers the Superintendent General of Indian Affairs to manage, govern, and control our lands, moneys, and properties, without first obtaining the consent of the chiefs of the Six Nations…

— The Council of the Six Nations at the Grande River reservation, 1879

Band Councils

Under the Indian Act's terms, each reserve was to have a band council. The act allowed one chief for every thirty band members. For larger bands, it stipulated one chief and two councillors for every 200 people. No band could have more than six chiefs and twelve councillors.

The membership of each band defined by the Indian Act did not necessarily coincide with traditional First Nations political, economic, and social groups. Traditional groups were more flexible, and were based on factors such as kinship, alliances, clans, societies, and available resources.

The federal government had the right to override band councils on almost any issue, including bylaws. Councils were expected to implement decisions made by the federal government. Band councils did not have the power to levy taxes on reserve residents, so bands had few options for fundraising and pursuing projects on their own initiative. They received money from the federal government, but how the money was spent was decided by federal policy and the Indian agent.

The Indian Act also stripped Elders and women of any formal role in the decision-making and governing process. However, on many reserves, their influence continued indirectly. For example, many band councillors still consulted with Elders and other leaders from the community before voting on decisions. In other cases, the only individuals who ran for election were those suggested by Elders.

Elections

The Indian Act introduced a European-style election process on reserves. The government believed that elected governments would encourage First Nations to give up their traditional political systems. Most traditional systems chose leaders through a combination of hereditary status and community assessment of an individual's skills. The federal government envisioned reserve governments one day operating as municipal governments do, with powers delegated from the federal or provincial levels of government.

A DIFFICULT TASK

Chiefs and councils during the early years of the Indian Act had to see their people through some of the most difficult times they had ever experienced. For example, Papaschase, like several other Cree leaders and their people, was reluctant to settle on a reserve when Treaty Six was signed. Papaschase and his followers hunted buffalo in Montana as long as they could to maintain their independence.

Finally, faced with starvation due to decline of the herds and the effects of disease such as smallpox, Papaschase signed an adhesion to Treaty Six in 1877, taking a reserve south of Edmonton. (Today this land would be in the popular shopping and entertainment district known as Old Strathcona or Whyte Avenue.) The new reserve immediately faced an outcry from a small group of vocal Edmonton residents, who demanded that it be relocated. With their reserve status in limbo, the band was denied its treaty rights for many years. It was finally forced to give up rights to the reserve in 1888. Some people joined neighbouring First Nations and others accepted scrip, giving up their treaty rights.

REFLECTION

Research some of the problems faced by a local chief and council during the difficult transition years under the Indian Act.

According to the Indian Act, chiefs and councillors were to be elected by males twenty-one years of age and older. Women could not vote for or serve on the band council. Voting was conducted in public, usually by a show of hands. Elected candidates had to receive a majority of votes and had three-year terms. The time and place of the elections were decided by the Superintendent General of Indian Affairs or by an Indian agent.

Few bands adopted this system in the first years of the Indian Act. Most were reluctant because the process conflicted with traditional practices. For bands accustomed to consensus decision making, gender equality, and flexible leadership, the competitive and male-dominated European system went against many cultural traditions and beliefs.

In addition, the leadership style needed to succeed in the European system went against tradition. The European tradition requires an assertive leader who actively solicits support from others. In contrast, traditional Aboriginal leaders were often unassuming and modest. They were given leadership roles by the community and did not purposely seek them out. In a traditional worldview, seeking a leadership role by presenting others with one's skills and accomplishments would be seen as boastful and inappropriate. Many people were reluctant to participate in the European system because it placed them in an awkward position in the community.

The designation of "chief" was formalized [after the Indian Act] and the twelve councillors we call *Maohkotooksskaiksi* was established after *kinniinaysini* was introduced by the government.

Voting as we have it today was another new practice established to choose our leaders. Prior to this, the process was not so formal. A leader was simply chosen by how he lived his life. There was evidence that a person selected as leader lived an orderly life and that he was a compassionate person.

There was no such thing as "If you vote for me I will do this." A person did not need to boast about what he was going to do if he was selected. The process was very different.

— Adam Delaney, Kainai First Nation, *Kipaitapiiwahsinnooni (Alcohol and Drug Abuse Education Program)*

BAND COUNCIL POWERS UNDER THE INDIAN ACT

- providing basic public health services
- maintaining order at public assemblies
- prohibiting alcohol consumption
- keeping cattle fenced in
- maintaining reserve roads, fences, schools, and public buildings
- operating dog pounds
- registering land use on the reserve

REFLECTION

Given this list of powers, what might be one reason the Indian Act led to a decrease in First Nations participation in local government?

Resistance

One intention of the Indian Act — to gradually train First Nations in the European ideals of local government — largely failed. Municipal-style governments were never implemented, partly because the government never relinquished enough power to make them happen.

In addition, the government failed to understand the great diversity between First Nations cultures and the reasons for their ongoing resistance to the Indian Act. Such resistance took many forms. For example, First Nations consistently resisted the federal government's authority overturn their chosen leaders. Many First Nations elected individuals who would have likely been their leaders anyway. In some cases, the Superintendent General of Indian Affairs overturned these elections, preferring leaders who would fall in line with the federal government's priorities. If a leader was overturned, the superintendent would call for another election. First Nations often responded by electing the same person again.

The federal government removed Piapot as chief of his Cree band in 1899 because he permitted an illegal ceremony to take place. Disregarding the government decision, his band continued to regard him as chief until his death in 1918. Chief Piapot is shown here in the 1880s wearing a Hudson's Bay Company blanket coat.

Indigenous Knowledge

In the late 1880s, the federal government arrested Chief Piapot for performing a Sundance and other related rituals. The exchange that follows between Chief Piapot and A. E. Forget, the Assistant Indian Commissioner, demonstrates the issue at stake for many First Nations people: their spiritual freedom.

Forget: Ask him, Peter, [Hourie, the translator] why, when he knew that it was contrary to the policy of the department, he allowed a sun dance to be held.

Piapot: (rising to his feet, dropping the blanket from his shoulders and holding it on his outstretched arm in the gesture of the great Indian orator.) When the commissioner gets up in the morning he has many varieties of food placed before him, and if he doesn't like what is in one dish, he has a number of others from which to choose. He does not know what it is to have an empty belly. My people, however, are often hungry and when they cannot get food, they pray to God to give it, and their way of praying is to make a sun dance.

Forget: He has an argument there. Tell him, Peter, that we are two big chiefs here together. I ask him as one big chief speaking to another, not to make any more sun dances.

Piapot: Very well, I will agree not to pray to my god in my way, if you will promise not to pray to your god…in your way.

Forget: By jove, he has me there. The old rascal should have been a lawyer.

— as told by W. P. Stewart in *My Name is Piapot*

How is Commissioner Forget's paternalistic attitude toward Piapot evident in this exchange? How does Chief Piapot demonstrate dignity and leadership?

First Nations soldiers made many contributions to the Canadian war effort during World War II. The Canadian military's most decorated First Nations soldier, Sgt. Thomas (Tommy) Prince, poses here with his brother in front of Buckingham Palace in 1945. Prince, on the right, was in London to receive two medals for gallantry. The heroism of soldiers such as Tommy Prince made many Canadian politicians more empathetic to First Nations' rights claims.

Other resistance concerned revisions to the Indian Act in 1884 that banned certain aspects of ceremonial gatherings, such as the Sundance and Potlatch. Many First Nations continued to practise their traditions in secret, risking jail sentences if caught.

Coercion

As attempts to assimilate First Nations culturally and politically failed, the Canadian government passed progressively more coercive legislation in response. Ironically, First Nations' resistance to assimilation was seen by the federal government as evidence that they were incapable of governing themselves.

Various amendments to the Indian Act in the 1920s and 1930s further eroded First Nations rights. The federal government took the power to **enfranchise** First Nations people without their consent. This meant that if the government believed a First Nations person was able to fit into non-Aboriginal society, the government could unilaterally remove an individual's status under the Indian Act. First Nations people who wanted to vote, serve in the army, consume alcohol, become a member of the clergy, or get a university degree had to be enfranchised first.

By this time, most band councils were powerless supervisory bodies for the federal government. Many were not passing bylaws or were even aware of their authority to pass bylaws. By the 1940s, only 194 of the 594 bands in the country had adopted the European election system. The remaining 400 continued to choose their leaders according to traditional customs. The federal government did not seem interested in helping band councils become effective governments on reserves and did little to help them work within the system.

In an attempt to force First Nations to comply with the Indian Act, the federal government refused to honour treaty promises, such as annuity payments and provision of services, to bands that did not follow the federal government's rules.

REVISIONS TO THE INDIAN ACT (1951)

In the 1940s, after decades of government control and neglect, First Nations leaders began to speak out openly about their peoples' rights. Pressure to revise the Indian Act intensified after the end of World War II. In 1946, a joint committee of the Senate and the House of Commons was created to study the Indian Act. Two years later, after many hearings and witnesses, the committee called for substantial changes.

In the 1951 revisions to the Indian Act, voting by secret ballot replaced open voting. Two years later, the number of bands electing their leaders rose to 263. For the first time, women were given the right to vote in band council elections. They

were also able to run for the office of chief or councillor. In many First Nations, women began resuming traditional political roles. Bans on ceremonies and customs were lifted, including restrictions on political organizations and Elders councils.

The revisions expanded band council powers, although the federal government still retained authority to intervene in their decisions. The Indian agent no longer controlled council meetings and band administration. Councils were given the authority to enforce bylaws and manage reserve lands and band funds. They were also given the authority to spend their funds on matters of interest to the band. Other revisions removed laws that made it illegal for First Nations to sue the federal government. These latter two changes meant that some bands spent money on lawsuits to pursue land claims in the courts.

The revised act also allowed for the application of provincial laws to reserves. First Nations people were to be charged under provincial laws for crimes they committed off-reserve, such as driving offences or hunting and fishing violations. Provincial social service agencies were also given the power to apprehend children from reserves in some situations.

The 1951 amendment ended the practice of involuntary enfranchisement. However, the revisions also created the **Indian register**, which was to be a complete listing of all First Nations people with status under the Indian Act. Bands submitted lists of members to the federal government but, for various reasons, many people were left off the lists. This meant that many people lost and were unable to later gain status. To this day, many First Nations people across Canada are denied rights and services because of mistakes and oversights that occurred at this time.

Indigenous Knowledge

With your teacher's assistance, use community protocol to invite an Elder into your classroom to describe what life was like on reserves before and after the 1951 Indian Act revisions.

In 1960, First Nations people were given the right to vote in federal elections. These members of the Rice Lake Band, near Peterborough, Ontario, were the first to vote in a federal by-election.

LOOKING BACK

The revised Indian Act of 1951 did not immediately change the lives of First Nations people for the better. However, it did mark the beginning of a gradual resurgence of political activity on reserves across the country. As First Nations leaders gained confidence and experience in band management and Canadian political systems, they began to demand greater control over the administration and governance of their reserves. In the next section, you will look at how band councils function today.

Band Councils since 1969

AS YOU READ

Under the Indian Act, First Nations people's ability to determine their own futures almost disappeared. The federal government controlled First Nations political, economic, cultural, educational, and even spiritual rights. The aftermath of World War II, however, sparked a worldwide trend of restoring rights to colonized indigenous peoples. In Canada, this movement was first seen in the 1951 Indian Act revisions.

Pages 66–73 discuss how today's band councils operate. As you read, note how these governments do and do not offer effective self-determination and self-government. Why do many First Nations leaders argue that the Indian Act can never be the vehicle for Aboriginal self-government?

In 1969, the federal government under Prime Minister Pierre Trudeau proposed major changes to the Indian Act. The government saw that the Indian Act was not working, but its solution was to assimilate First Nations once and for all.

Jean Chretien, then the Minister of Indian Affairs, called for the end of the Indian Act and of the special status of First Nations people. The *Statement of the Government of Canada on Indian Policy, 1969* — most commonly known as the White Paper — proposed to transfer administration of all services for First Nations to the provinces and reserve governments. First Nations people would no longer have a special status in Canadian Confederation, as set out by treaties. First Nations people would have the same rights and freedoms as all other Canadian citizens.

Aboriginal leaders from across the country, such as Harold Cardinal (seen standing in the photograph) spoke up against the 1969 White Paper. Opposition to the White Paper prompted many Aboriginal people to strengthen their political organizations. Aboriginal organizations today play a strong role in all federal government relations with Aboriginal peoples.

First Nations leaders argued that that federal government could not unilaterally disregard treaty relationships. First Nations people were *not* the same as other Canadians. They, along with other Aboriginal peoples, are indigenous to Canada and, as such, have special rights.

Their protests were so strong that the government withdrew the White Paper in 1973. This withdrawal marked a significant shift in the federal government's policies and attitudes towards First Nations, ending its formal policies of assimilation.

Since the 1970s, many changes have taken place in the relationship between First Nations and the federal government. The role of Indian agents has been eliminated. In 1973, the government ended the residential school system on advice from the National Indian Brotherhood (now the Assembly of First Nations), which called for First Nations control over their own education. The government then established programs to help First Nations develop modern educational systems organized around their traditional values and cultures.

In 1988, further changes to the Indian Act gave band councils authority to levy taxes on First Nations and non-First Nations reserve residents, to lease reserve land to non-First Nations people, and to manage money received from mineral rights and resource royalties.

DEVOLUTION

Since the 1970s, the federal government has given more administrative control to band councils in a policy of **devolution**, or decentralization, of First Nations programs and services. Devolution is a shift away from policies of assimilation and integration, and towards policies of cultural self-sufficiency and local government.

For decades, almost every aspect of reserve life was controlled by the federal government. Devolution allows more decision making at the community level. Band councils now have authority over areas such as education, public health, reserve roads, and band administration. In many ways, band councils act as self-governing bodies.

However, in the eyes of many First Nations leaders, the current powers of band councils fall far short of self-government. Some call the current system one of self-administration, where bands simply implement programs. This is quite different from policy-making — the power to set direction and decide what programs will be offered. The federal government still has much control over policy-making, although devolution has increased First Nations involvement in discussions about programs. Significantly, the federal government cannot introduce new programs without first consulting with local band governments.

Many bands have pushed for changes to the Indian Act, in order to gain more control over their lands and money. In the past ten years, the federal government has concluded funding arrangements with many band governments to support greater autonomy for spending decisions. Some band councils negotiate directly with provincial governments for services such as education, health care, and social services.

The pace of devolution increased significantly during the 1990s. In 1994, the federal government reached an agreement with Manitoba First Nations to transfer control of all programs and services in the province to local reserve governments. In

Indigenous Knowledge

The Indian Act was revised in 1985 to recognize First Nations peoples' right to never lose their status. **Bill C-31** ended many years of discrimination against women in the Indian Act. As a result, many First Nations people had their status restored.

Research the events leading to the passage of Bill C-31 and its significance for First Nations. Find out why some people argue today that band membership rules discriminate against them. Why do many bands face difficult choices in deciding what to do about people reinstated by Bill C-31? What are different perspectives on the band membership issue? Write a newspaper article that discusses this issue.

Jenny Margetts, left, of Edmonton, Alberta, and Monica Turner of Geraldton, Ontario, speak to reporters in 1973. Margetts fought a lifelong battle against gender discrimination in First Nations band membership codes.

2001, it signed similar agreements with the Yukon and Northwest Territories First Nations to give control of programs and services to their communities.

The dismantling of Indian and Northern Affairs Canada in Manitoba was initially expected to be completed by the end of 1999. However, problems in funding arrangements and in establishing program management on reserves delayed completion of the devolution agreement. Not every reserve had the money and expertise to operate the programs and services. This issue of funding and training is one that many First Nations argue must be addressed before their communities can effectively take control of their services.

In 1969, Jean Chretien gave a speech that highlights problems with band governments under the Indian Act. First Nations leaders would likely agree with him, yet they found the government's solution — the White Paper — completely offensive. Why did attitudes held by the federal government and First Nations differ significantly?

First the band council decides that they want to do something constructive and reasonable with a piece of their land, as many of them do. They pass a council resolution which they hand over to the Department's agency office. It is sent from there to the regional office. The regional people, anticipating that their superiors in Ottawa will ask questions, ask questions themselves. Back it goes to the agency and back to the band. The band gets another meeting organized. They answer the questions and put the proposal back into the mill. It goes to the agency, to the region, and it finally reaches the head office where the lawyers get at it. They ask more questions that the region had not thought of. Back it goes. Eventually all the questions are answered and it comes to me.

— Jean Chretien, "Indian Policy…Where Does it Stand?" Speech at Empire Club, Toronto, Oct 16, 1969

BAND COUNCILS TODAY

As of 2003, the Assembly of First Nations counted over 630 band councils in Canada.

These councils have more autonomy from the federal government than under the Indian Act of 1876, although band councils on reserves with strong financial and human resources have significantly more autonomy than those without these resources.

Band Council Resolutions

Band councils pass bylaws called Band Council Resolutions (BCRs). BCRs can be passed if a quorum of council members are present at a meeting and a resolution receives a majority vote. BCRs have the force of law, although they must receive federal approval.

Band councils must have community approval for some types of resolutions. These include decisions to surrender reserve land, changes to membership codes for the band, and revisions to alcohol bylaws. If the band council wishes to pass one of these laws, it must hold a meeting at which members of the community can hear about the proposal and then vote in a referendum.

Many bands argue that the BCR system does not meet their needs because it conflicts with their traditional decision-making methods. Others say they don't always have the resources to enforce their BCRs. Although it rarely happens today, the federal minister or provincial legislation can override any band council decision, making BCRs, in the eyes of many, a long way from self-government.

PROFILE

JOYCE METCHEWAIS

Cold Lake First Nations

The late Charlie Blackman, a Cold Lake First Nations Elder, used to shake his finger at fellow band-member Joyce Metchewais, joking that he was going to give her trouble if she didn't run for chief.

"I wish he could see that I finally did run for chief," says Metchewais, who's been leading her people towards self-sufficiency and strong self-identity for more than four years. Under her leadership, unemployment has been reduced from 80 to 25 per cent and new cultural programs such as the Daghida (We Are Alive) Dene Sųłiné language project have been developed.

"I surround myself with good people," Metchewais answers when pressed for the secret to her successful leadership. Among her closest advisors is Wilma Jacknife, an in-house lawyer who assists with resource company negotiations that create jobs for band members. Experienced band councillors also helped Metchewais with leadership continuity since she was first elected in 1999.

Ironically, Metchewais anticipated a comfortable retirement after raising her four children. "My husband and I made a good living as owners of a school bus company, and I enjoyed the winters we spent in Arizona," says the sixty-two-year-old former nurse. "But the Elders asked me to run for chief and with my husband's support, I let my name stand. Now people are already asking if I'll be running again."

Metchewais's brand of leadership can be stated in a word: integrity. She is a team player who avoids the abuse of power that some leaders fall into. "I have always told council that we have to stick together. We make decisions as a group. If the group votes something down, the decision stands," she insists. Metchewais has demonstrated, as have natural leaders of the past, an inclination for hard work and getting things done, not to mention healthy respect for her co-leaders, her people, and herself.

"My mother, Nora Matchatis, has been my role model. She showed me, by example, to be assertive, honest, hardworking, and diligent in everything I did. She continues to be my advisor and greatest supporter."

Joyce Metchewais

REFLECTION

How does Joyce Metchewais's story show examples of traditional leadership from both herself and others?

The Siksika First Nation has taken steps to make its economic development as efficient as possible. They have legally separated control of a major economic development arm — Siksika Resources Development Ltd., from its elected officials. The Siksika Nation's band council members in 2005: (Back left to right) Hector Winnipeg Jr., Kendall Panther Bone, Vincent Yellow Old Woman, Clarence (Agar) Wolfleg, Eldon Weasel Child, Leroy Good Eagle, and Emery Medicine Shield. (Front left to right) Jason Doore, Richard Right Hand, Janice Doore, Chief Strater Crowfoot, Scotty Many Guns, and Stewart Breaker.

Elections

As of 2002, almost all bands in Canada elect their leaders. Bands that follow guidelines in the Indian Act hold elections by secret ballot every two years. Many bands choose instead to have custom elections, in which the band can set and administer the rules. For example, all Treaty Seven First Nations have custom elections. The Kainai First Nation elects a new council every four years, as does the Piikani First Nation. In most cases, First Nations that choose custom elections follow basically the same rules as the Indian Act. However, a custom election procedure carries a symbolic message that the people have a right to choose their own system of government.

Some bands have incorporated traditions of choosing leaders by consensus and kinship ties into their custom election. For example, the Swan River First Nation in Alberta bases its election on its traditional clan system. The First Nation has six family name clans: Chalifoux, Courtoreille, Davis, Giroux, Sowan, and Twin. Not all members of a clan are in the same family. A person can join any clan, as long as the other clan members approve.

In the band's custom election, members of each clan elect a member for the band council. The members of all clans then elect a chief from among the band council members.

In some First Nations, an incorporation of traditional methods of choosing leaders has led to greater public participation in reserve politics. On other reserves, the change to traditional ways has created tension between groups who support traditional methods and those who prefer the non-Aboriginal procedures. Several bands use a combination of traditional and non-Aboriginal procedures.

A significant change came in 2000, when the right to vote for band council members was extended to band members living off the reserve. This change may help keep urban First Nations people connected to their home communities. You will learn more about this issue in Chapter Six.

Political Institutions

After 1951, traditional customs re-emerged on most reserves. Ceremonial gatherings play a central role in many communities, reinforcing political, social, cultural, and spiritual ties. The potlatch ceremony is again a significant event among Pacific Northwest First Nations in strengthening community ties. The ceremonial dances of Plains First

Nations are also important occasions for celebration, community solidarity, and spiritual renewal. For many people from the Six Nations Confederacy, restoring traditional councils and decision-making procedures has strengthened their sense of identity.

Elders have also regained an important leadership role in many band governments. On the Plains, band governments have established Elders councils to provide advice and guidance in decision making. For example, the Kainai Council of Elders provides the band council with historical information, formulates referendum questions, and is available for consultation. The Elders do not have voting power, but they are often influential in assisting with band council policy-making.

TRIBAL COUNCILS

Many band governments have established tribal councils to pool resources for programs, services, and policy-making. Tribal councils, unlike band councils, are not regulated under the Indian Act, although they receive funding from the federal government. They are registered societies under provincial law.

Tribal councils allow small bands, which may have few resources, to benefit from the resources of larger, wealthier bands and from a tribal council staff. Tribal councils also develop initiatives for areas not governed by the Indian Act such as justice, public safety, and law enforcement.

Most significantly, tribal councils also reinforce traditional political, economic, and social systems of mutual support and interdependence.

The Tribal Chiefs Institute of Treaty Six (TCI) staff pose for a photograph with David Suzuki, who was in Edmonton to attend the eleventh annual Knowing Our Spirits conference in 2004. (Left to right): Toni Young Chief, Alain Joly, David Suzuki, Bernie and Gloria Makokis. The conference provides a forum for new ideas and an exchange of information with various Aboriginal groups. David Suzuki is an honourary chief with TCI. He spoke at the conference on the importance of traditional Aboriginal knowledge for the world's environmental concerns.

Indigenous Knowledge

There are currently eight tribal councils in Alberta. These include:

Athabasca Tribal Council, Fort McMurray
Athabasca Chipewyan, Chipewyan Prairie, Fort McKay, Fort McMurray #468, Mikisew Cree

Kee Tas Kee Now Tribal Council, Atikameg
Loon River Cree, Whitefish Lake, Woodland Cree

Lesser Slave Lake Indian Regional Council, Slave Lake
Driftpile, Kapawe'no, Sawridge, Sucker Creek, Swan River

North Peace Tribal Council, High Level
Beaver, Dene Tha', Little Red River, Lubicon Lake, Tallcree

Treaty Seven Management Corporation, Tsuu T'ina Reserve
Bearspaw, Chiniki, Kainai, Piikani, Siksika, Tsuu T'ina, Wesley

Tribal Chiefs Ventures Inc., Edmonton
Beaver Lake Cree, Cold Lake, Frog Lake, Heart Lake, Kehewin Cree

Western Cree Tribal Council, Valleyview
Duncan's, Horse Lake, Sturgeon Lake

Yellowhead Tribal Development Foundation, Enoch
Alexander, Alexis, Enoch Cree, O'Chiese, Sunchild

Research one tribal council program or service and evaluate its importance to local communities. How does it help achieve self-determination goals?

DEBATING BILL C-7

Despite many positive changes, many First Nations feel that the federal government's approach to self-government has not changed significantly since 1969, when it proposed the White Paper.

If possible, invite someone involved with the Assembly of First Nations to participate in your talking circle about Bill C-7.

In 2002, Robert Nault, the federal government minister in charge of Indian and Northern Affairs, announced the First Nations Governance Act (Bill C-7) in the House of Commons. The proposed act was shelved in 2003, but provides a useful issue with which to examine how the perspectives of the federal government and First Nations can be at odds.

Pages 72–73 include notes from a speech Nault delivered on April 18, 2002, at a conference called Beyond the Indian Act. Read his notes and then research why the Assembly of First Nations and other leaders were opposed to Nault's proposal.

After you familiarize yourself with the issues at stake, hold a talking circle with your class to discuss ideas about the government's approach to self-government issues and the approach of First Nations. Why did the First Nations Governance Act generate so much controversy?

Excerpt from the Speaking Notes for the Honourable Robert D. Nault, P.C., M.P.

… The fact is that this Act [the Indian Act] never contemplated the day when First Nations would stand as full partners in our society, when they would take their rightful place and play their full part in the life of this country. The Act itself is clear on this.

For all practical purposes, the Chief and Council were powerless, with all of the authority left in the hands of the Minister of Indian Affairs. The Act makes 120 references to how "the Minister may" do this or that, but only three references to how "the band may." And in those areas where bands could act, they were responsible to the federal government, not to their membership directly.

The Indian Act took away traditional systems of Aboriginal government and replaced them with one alien to their culture. And because it was premised on the assumption that First Nations would gradually be absorbed into the larger Canadian society, the Act was silent on many key areas.

These include how band councils would deal with the businesses of their communities and how First Nations would exercise control over their band leadership: in other words, over issues of governance.

This absence of any reference to governance, or to the institutions of government, is not just of theoretical or intellectual interest. It is not just some historical omission; it is a modern-day roadblock to economic development, to self-reliance, and to self-government. This isn't just my opinion or the opinion of the Government of Canada — it is the opinion of First Nations themselves.

In a recent EKOS poll of First Nations, 71 per cent of respondents agreed that providing the tools for good governance will improve conditions for economic and

social development. And 68 per cent agreed that conditions for economic and social development will be improved by strengthening the accountability of First Nations leaders.

This is only common sense. Businesses will not invest on reserves, for example, unless they believe that there is an effective administrative regime. And there is increasing evidence — both academic and empirical — that suggests that the ability to pursue economic development, to create healthy communities with adequate infrastructure, and to develop the skills and potential of people, all depend on good governance.

First Nations people understand this connection between effective governance and economic progress. They understand that leaving the Indian Act as it is means leaving First Nations without the tools they need to make the progress they want. More, they want a direct say in how the Indian Act is changed. Fully 67 per cent said ordinary First Nations' members should have a voice.

I couldn't agree more. That's why we went out into the communities to hear directly from the people, holding more than 450 consultation sessions, with more than 200 First Nations communities. That's why we established a 1–800 number, created a Web site, and prepared a questionnaire soliciting input. All told, more than 10 000 First Nations people took advantage of these opportunities and expressed their views....

To get as much input as possible, a joint ministerial advisory committee was established. It was made up of representatives from the Congress of Aboriginal People, the National Aboriginal Women's Association, and leading lights from the communities themselves. And a seat was held for representatives from the AFN had they chosen to participate....

Now some have advised us to simply "set aside" the Indian Act and focus exclusively on implementing treaty rights....

And let's take a closer look at just what "setting aside" the Indian Act would mean in real terms. It would mean perpetuating the vacuum of governing structures in the Act. In other words, we would continue with a system under which there is no requirement for a band council to have an annual budget; no requirement for conflict-of-interest guidelines; no provision making First Nations legal entities and, therefore, able to borrow money on better terms. It would mean leaving in place a system in which there are no rules protecting band public servants, who can be hired and fired at the whim of each incoming council. It would mean perpetuating a system with no redress for anyone who disagrees with a band council's decision, other than by going to court. It would mean continuing to deny First Nations the tools they themselves have said are necessary to make real progress.

REFLECTION

Write notes from your talking circle discussion. Use them and your other research from this chapter to write an essay for or against the proposals suggested by the federal government in Bill C-7.

LOOKING BACK

How has the administration and governance of reserves changed from past to present? Research the history of a local First Nation government and prepare a report that includes changes in the

- influence of Elders
- process of selecting leaders
- powers of the leadership
- role of the federal government
- role of women
- role of the provincial government

Evaluate the effectiveness of the current system of government. What issues face the community today? Is the current governance system able to resolve the issues effectively? What are differences between elected and traditional government systems? How do the values in each system compare?

Chapter Two Review

Check Your Understanding

1. Create a table of the six geographic environments in Canada. In point form, list one or more significant characteristics of each region and how these characteristics influenced the traditional ways of life of the Aboriginal people who lived there.
2. How do the names of some First Nations reflect their relationship to the land? Provide an example.
3. From memory, write a list of as many points about traditional First Nations, Métis, and Inuit governance as you can. Re-read pages 38–49 and then immediately try the exercise again.
4. Explain how the buffalo hunt is related to traditional forms of Métis governance.
5. How does the oral tradition support traditional forms of Aboriginal governance? Give at least one specific example.
6. How do the numbered treaties make provisions for self-government? Explain, using an example, why First Nations and the federal government might answer this question differently.
7. Why didn't Métis and Inuit peoples sign treaties with Canada? How has this affected their relationship with the federal government? Give a specific example for each group.
8. Explain the Manitoba Act's significance in terms of Métis rights.
9. How did the scrip process affect Métis people's rights?
10. Who are the Road Allowance People?
11. What is the Indian Act and why did the federal government enact it?
12. How did the Indian Act affect First Nations' political, economic, social, individual, and educational rights? Give one example for each.
13. In what ways are treaties fundamentally different from the Indian Act?
14. How did the Indian Act affect First Nations' ability to govern themselves?
15. Why and how was the Indian Act revised in 1951?
16. What is a BCR?
17. What is devolution?

Reading and Writing

18. Re-write at least five clauses of the Manitoba Act in plain language. Each clause should be significant in terms of Métis rights. This means you will need to read the original act and then re-write it in language that is easier to read and understand. Check your work with a partner to see if you have been successful.

Wilf Tootoosis was born on the Poundmaker Reserve in Saskatchewan in 1930. In the following excerpt, from an interview with him for *In the Words of Elders: Aboriginal Cultures in Transition*, he offers his ideas of traditional Plains Cree governance and changes under the Indian Act.

...Then the Indian Act came in and they had to get a permit to leave the reserve. That was to discourage the assembly of our people. So they don't get into contact with other Chiefs and people. They [the government] were afraid of the Indians. They knew they might start shooting again. The guns were all removed from Poundmaker, except one, one Indian went out into the bush and hid a gun, and everybody used that in the winter. They took all the horses away. So that's the Indians' self-government. The other one they have today is the Indian Act. Indian Act, self-government, is what they're talking about now, where the Chiefs are the bosses not the community, that's happening now, on Poundmaker. Prior to that, the whole community had a say, why they don't like it, others talked about why they like it, why they won't accept it, and then had a vote, and it was rejected or approved. But what's happening now is the Chiefs have all the say of the Indian Act, not the band, not the community, no more, just Chiefs.

Sharing resources, such as land and the results of a hunt, were important parts of traditional land management techniques. Just as hunters would work together to kill an animal such as a moose, their families would share in the meat and work together, as in the photograph on the right, to stretch the hide. Contrast this tradition of sharing with the tradition shown in the photograph of the fence and sign. How would you expect these different values to affect a treaty-making process?

19. Research and write a report about the scrip process and its effects on Métis people in Manitoba or Saskatchewan.

Speaking and Listening

20. Find an example of a story from a First Nations or Inuit oral tradition from your area that teaches an aspect of land management or land governance. You might consult books or Elders from a local community. Learn the story well enough that you can re-tell it to the class. Following your story, lead a discussion about how the story conveys principles of land management. You might want to have a few questions prepared to stimulate the class discussion or prompt students to better understand the story.
21. Interview someone affected by Bill C-31. Record your interview on tape or video, and prepare a presentation for your class using all or part of your recording. In your presentation, discuss how Bill C-31 solved some problems, but created others. Be as impartial as you can in presenting the issues at stake.

Viewing and Representing

22. Read the caption and compare the photographs shown on this page in terms of values and ideas about land governance.
23. First Nations and Inuit place names show how groups historically used and occupied particular territories. Create a map of a local region that shows significant landmarks and names of specific places in First Nations languages. You may need to consult with community members familiar with First Nations languages.

Going Further

24. Read the statement by Wilf Tootoosis on page 74. What seems to be his main concern with the system of band council government on his reserve? Why might reserve communities be divided in how they see the best role and process of governance? How has colonial history created some of these divisions? What else might cause people to have different ideas? Discuss these ideas in small groups or as a class.

LOOKING BACK

Re-read Peter O'Chiese's statement from pages 36–37 and look carefully at Jane Ash Poitras's work, *Bonne Fête Canada,* on page 37. Using this material and others as inspiration, create a work of art that expresses the state of Aboriginal peoples' rights in the early years of Canadian colonization.

CHAPTER THREE

Aboriginal Rights and Self-Government

AS YOU READ

In the last chapter, you learned how Aboriginal peoples began to regain control over their lives after World War II. These changes accelerated in the 1970s until a significant step forward was made in 1982. That year, all Aboriginal peoples — First Nations, Métis, and Inuit — and their rights were recognized in Canada's constitution.

Since that time, Aboriginal peoples and their political organizations have become adept at working within Canadian institutions to further their people's rights to the land and its resources, as well as their inherent right to self-determination.

Canadian institutions are slowly adapting to make Aboriginal goals more possible. For example, the Supreme Court has ruled that oral history regarding land use and governance should be given as much consideration as written evidence when making decisions about Aboriginal rights. Testimony such as that on pages 76–77, by Mushkegowuk Cree Elder James Carpenter, is now of much value in pursuing Aboriginal political and economic goals.

Carpenter was born in 1924 in northern Ontario. In this statement, he describes his people's traditional relationship to the land and to other people on the land. In your own words, write a set of principles governing land use as described by Carpenter. How are these principles a form of governance? How might this system of governance contrast with non-Aboriginal ideas about land use and government? Discuss your ideas with a partner.

FOCUS QUESTIONS

As you read this chapter, consider these questions:

- What Aboriginal rights does the Canadian constitution recognize?
- What have First Nations, Métis, and Inuit peoples done to assert their Aboriginal rights since 1982?
- What role does the Supreme Court play in Aboriginal rights?
- How do First Nations, Métis, and Inuit perspectives on self-government compare to one another?
- What are federal and provincial governments' perspectives on Aboriginal self-government?
- How are Aboriginal leaders establishing self-government in their communities today?

Principles of Land Use

Excerpt from a statement by James Carpenter from *In the Words of Elders: Aboriginal Cultures in Transition*

I HAVE NEVER HEARD NATIVE PEOPLE SAY THEY OWN THE LAND. THE LAND IS FOR US TO USE AND TO LIVE, THIS IS WHERE THE FOOD IS, FISH, RABBITS, otter or any other animals for food. We know when freeze-up will happen. The Native person will know what he will need in order to hunt and fish. Wherever he meets another Native person on the land and if he has an abundance of fish, he will invite the person to fish there with him or he will tell another person you can trap with me where there are weasel, muskrat, and otter. That's what the Native person says to his fellow Natives. The Native person treats others with love. The Native person will not say to another Native person, "Don't trap there." He will never say to another person, "That is my land."

Before the mapping of this area and the boundaries were set, the Native people respected one another and their hunting grounds. It still goes on despite these limitations and boundaries. People took care of each other. If I see your trap with a fox, I would hang it on the tree for you so animals won't get at it. Before the metal traps were used, Native people used deadfall traps made of wood. The Native person had intelligence as he has survived for a long time. The Elders have taught how to make these

A mace is a symbol of the power of the Speaker in a legislative or parliamentary assembly. Nunavut's mace is made of polished narwhal tusk and is embedded with northern jewels and tiny figurines of three types of seal — harp, bearded, and ringed. The crown consists of four interconnecting silver loons. The mace rests on four carved stone figures. The first represents an Elder, the second a woman carrying a baby, the third a child, and the last a man. Based on the symbolism of its mace, what principles would you expect Nunavut's government to uphold? How would a mace look that is based on principles described by James Carpenter?

deadfall traps, as I have seen. People would tell each other about where there were rabbits, too, and they would go there to hunt. Native people used to gather and sit and tell each other where there is food and where they were going to hunt.

The lifestyle that the Native people had is gone. The lifestyle of the bush is gone. If a person happens to find moose tracks and night is falling, he will wait until the next morning. He will then ask someone to help him track the moose and they will wait for the wind. The wind blows the trees and makes noise so the moose will not hear them. That is how it is done. If you wanted to make a map, you would draw on the snow or on the ashes of the fire. Why do I ask you to join me in this hunt? The reason is that I want you to live too. The earth is not here just for me. Just like the river that you see, it is not there for only me to drink from, it is for all the Native Nations. I won't tell another Native person, "Don't get water from there." That is not the Native law.

If I were to come to Moosonee Ministik from Attawapiskat and I didn't know where they get nets around here, I would ask you where I [could] get them. You would tell me where the nets are set and you would also tell me where the water does not flow swiftly. The information you tell is that you expect me to live too. I will live from the food you told me about.…

Native people did not use compasses. They used their hands. They used the wind, [observing] which direction it would blow in the morning. You walked along the bay and when [it was] a blizzard, you [were] able to go anyway. First you look at the way the snow lays, blown by the wind…. For example, if I want to go to Attawapiskat, I'll go towards the bay, the bush is too thick to walk in and the snow is too deep. If you walk along the bay, you also look at the creeks and how they lay from the west. The blown snow also shows which way the wind blows, usually from the north. The sun also gives direction when you look to where it rises. If it is a grey day, you use the snow to give the direction. If you use all these things to help you find your destination, you will not be lost.

REFLECTION

1. Reflecting on James Carpenter's statement, describe his relationship to the land in your own words. Describe his relationship with other people on the land.
2. If possible, talk to an Elder about how they view the land and people's relationships with one another on the land. Compare the Elder's ideas with James Carpenter's views to find similarities and differences.

The Era of Rights and Freedoms

AS YOU READ

Pages 78–85 describe Aboriginal people's involvement in the process leading to the signing of the Constitution Act of 1982. As you read this section, make notes about why this event could be considered a turning point in Aboriginal peoples' history in Canada.

In 1982, the landscape of rights for Aboriginal peoples in Canada changed significantly. This was the year that Canada's constitution was patriated. This meant Canada gained complete independence from Britain, including the right to revise or amend its constitution without Britain's approval.

The Canadian constitution is the ultimate legal authority in the country. It describes Canada's most important laws and principles, as well as the responsibilities the government has to its people. This document has evolved since before Confederation in 1867 and will continue to evolve as the needs of citizens change.

The constitution is a written document, but it recognizes many unwritten traditions of the Canadian government that were inherited from Britain, which has no written constitution at all. For example, the British North America Act, which created the Dominion of Canada in 1867, did not refer to the prime minister, even though it was understood through common law that there was one.

When the federal government, under Pierre Trudeau, announced in the late 1970s that it intended to patriate the constitution from Britain, Aboriginal peoples across the country took notice. Many leaders were concerned about how the patriation would affect their rights.

Other leaders saw the patriation as an opportunity to push forward their goal of self-government. If the new constitution recognized Aboriginal people's inherent right to self-government, the federal government would have to move forward with self-government negotiations more quickly.

However, when Aboriginal leaders tried to secure an active part in discussions about the new constitution, they were denied an official place alongside the federal and provincial governments. Aboriginal peoples' efforts to protect their rights had to take place from the sidelines.

This situation only added to the mistrust surrounding the patriation process.

In general, the federal government supported giving Aboriginal peoples some rights protection in the constitution, but hesitated to recognize an inherent right to self-government. They were concerned about the practical issues involved in providing self-government to all Aboriginal peoples, no matter where they lived in the country. Provincial governments, fearing a loss of their own powers, were generally opposed to guarantees of self-government.

Prime Minister Trudeau and Queen Elizabeth II signed the Constitution Act in 1982. Trudeau was known for his highly individualistic view of human rights. He rejected the idea of collective rights and any expression of nationalism, including Quebec nationalism. How might his views on Quebec nationalism affect Aboriginal rights?

ABORIGINAL CONCERNS GROW

In 1981, a compromise was reached between the federal and provincial governments to complete the patriation process. When the agreement was announced, neither women nor Aboriginal peoples were specifically mentioned in the constitution. Women's groups and Aboriginal groups mobilized such convincing protests that their rights were added to the document before patriation.

However, the Aboriginal rights included in the constitution were a compromise between the federal and provincial levels of government. They did not fully address the concerns of Aboriginal leaders and did not recognize their people's inherent right to self-government.

Aboriginal leaders also had concerns about the Charter of Rights and Freedoms. The Charter protects the individual rights of all Canadians, including Aboriginal people. Sections 2 and 7–15 include rights such as freedom of expression, conscience, and religion; the right to vote or run for elected office; the right to enter, leave, and move within Canada; and a number of protections from unjust actions by courts or law enforcement agencies.

Aboriginal organizations supported protections for individual rights, but with a significant difference. A focus on the individual is not part of the cultural heritage of Aboriginal peoples, where the community is viewed as most important. Aboriginal leaders were concerned that an individual whose interests came into conflict with an Aboriginal group's rights might use the Charter to override Aboriginal rights.

Indigenous Knowledge

Traditional First Nations constitutions were based on natural law, which was given by the Creator and preserved for generations through social custom and the oral tradition. Read the statement by the Wet'suwet'en chief below and discuss with a partner how Aboriginal law and European law compare. Consider the source of the laws, the ways the laws are taught, and the position of law in each society.

Now this Court knows I am Gisdaywa, a Wet'suwet'en Chief who has responsibility for the House of Kaiyexwaniits of the Gitdumden. I have explained how my House holds the Biiwenii Ben territory and had the privilege of showing it to you. Long ago my ancestors encountered the spirit of that land and accepted the responsibility to care for it. In return, the land has fed the House members and those whom the Chiefs permitted to harvest its resources. Those who have obeyed the laws of respect and balance have prospered there.

The means by which instructions were conveyed are described consistently as "sacred gifts" received through dreams and visions, in fasting huts and sweat lodges, as well as from human teachers.

In times of great difficulty, the Creator sent sacred gifts to the people from the spirit world to help them survive. This is how we got our sacred pipe, songs, ceremonies, and different forms of government …

Included in the spiritual laws were the laws of the land. These were developed through the sacred traditions of each tribe of red nations by the guidance of the spirit world. We each had our sacred traditions of how to look after and use the medicines from the plant, winged, and animal kingdoms. The law of use is sacred to traditional people today.

— Gisdaywa, Wet'suwet'en chief, *Report of the Royal Commission on Aboriginal Peoples*

These excerpts from the Constitution Act of 1982 include the clauses that refer specifically to Aboriginal peoples. Clauses followed by a number in parenthesis indicate the year a change was made to that clause.

THE CONSTITUTION ACT

In the end, some of Aboriginal leaders' concerns were addressed by the constitution.

Section 25 declared clearly that Charter rights could not override Aboriginal, treaty, or other rights held by Aboriginal peoples.

The constitution advanced Aboriginal rights in several other important ways:

- For the first time, Aboriginal and treaty rights were protected from arbitrary removal by the government.

EXCERPTS FROM THE CONSTITUTION ACT, 1982

Aboriginal rights and freedoms not affected by Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired. (92)

Recognition of existing aboriginal and treaty rights

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Definition of "aboriginal peoples of Canada"

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

Land claims agreements

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

Aboriginal and treaty rights are guaranteed equally to both sexes

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons. (94)

Commitment to participation in constitutional conference

35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the "Constitution Act, 1867," to section 25 of this Act or to this Part,

(a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and

(b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item. (95)

- Aboriginal peoples were given a constitutional opening to play a more active role in defending their rights.
- For the first time, Métis and Inuit peoples were specifically recognized as Aboriginal peoples, giving them a legal foothold to protect their Aboriginal rights.
- Section 35 gave Aboriginal peoples a place to begin negotiations for land claims and self-determination.

MEECH LAKE ACCORD

Although the Constitution Act fell short of Aboriginal leaders' hopes, it did include a mandate for further discussion of Aboriginal issues. Section 35 promised a constitutional conference involving the prime minister, the premiers, and Aboriginal representatives. Over the next five years, three conferences on Aboriginal affairs were held. None of them resulted in significant progress.

Quebec, however, made some progress in its demands. The province had refused to sign the Constitution Act in 1982 because it did not contain an acknowledgement of its "distinct status" in Confederation. Despite its refusal, Quebec was legally bound by the constitution, a situation that rankled with many Quebec residents. The province's leaders maintained pressure on Ottawa to make changes that would "bring Quebec into the constitution."

In 1987, after several rounds of discussions, a new Quebec proposal had taken shape. By that time, Canada had a new prime minister, Brian Mulroney. On April 30, during a conference at Meech Lake, Quebec, Mulroney, and the ten premiers unanimously approved a package of constitutional amendments. These amendments became known as the Meech Lake Accord.

The accord recognized Quebec as a "distinct society," different from all other provinces. It also stated that Canada was the product of "two founding nations" and increased provincial powers over a range of previously federal responsibilities.

Before the accord could come into effect, however, each provincial legislature had to approve the agreement. If any province failed to pass the accord before the end of June 1990, the whole deal would die.

By 1990, the accord had gathered considerable opposition. Critics claimed that it gave Quebec too much power and that the agreement had not included enough consultation. In particular, Aboriginal leaders said that the accord addressed none of the important concerns of Aboriginal peoples as partners in shaping the future of Canada. They were concerned that increased provincial powers might lead to an erosion of Aboriginal rights.

Some Aboriginal leaders were particularly offended by the accord's reference to "two founding nations." John Amagoalik of the Inuit Committee on National Issues declared "It hurts us very much when political leaders like the prime minister continue to say that the two founding nations of this country are French and English. We have been saying for years now that we are of

John Amagoalik played a critical role in the creation of Nunavut. His quest for Inuit rights was shaped by the injustice his family experienced when he was a child. In August 1953, his family and seventeen others were relocated from their home in northern Quebec to the High Arctic as part of the Canadian government's assertion of sovereignty in the region. Amagoalik is shown here with the National Aboriginal Achievement Award he received in 1998.

this country. We are of the soil. We did not come on a ship or immigrate to this country. We are of it. We are getting tired of being ignored in this respect."

In Manitoba, the government left its passing of the Meech Lake Accord to the last minute. On June 30, the legislature found itself rapidly approaching the midnight deadline. In Winnipeg, as the clock ticked closer to midnight, the premier attempted a legal strategy to gain more time. A unanimous vote in the legislature could extend the debate period and allow a vote to take place after midnight.

It was then that a lone voice said "No." Elijah Harper, an Ojibwa-Cree member of the legislative assembly, declared that he could not support an accord that ignored Aboriginal people's concerns and that he would not vote to extend the debate. With the support of the Assembly of First Nations, he decided it was better to kill the accord than to betray his principles by ignoring the concerns of Aboriginal peoples across the country. The Meech Lake Accord expired.

Indigenous Knowledge

Research more about Elijah Harper's actions during the Meech Lake Accord and the role the Assembly of First Nations played in supporting him. Write a short monologue that portrays some of the issues Harper may have wrestled with in making his decision.

CHARLOTTETOWN ACCORD

The Meech Lake Accord was dead, but the quest for constitutional change continued. In 1991, the federal government released its report. Called *Shaping Canada's Future Together*, the document put forward proposals to address the concerns of both Aboriginal peoples and Quebec residents. This led to more talks, more reports, and negotiations involving the federal, provincial, and territorial governments. This time, however, the Assembly of First Nations, the Inuit Tapirisat of Canada, and the Métis National Council were invited to the negotiating table.

From these discussions emerged a new constitutional package: the Charlottetown Accord. The Charlottetown Accord proposed a number of constitutional changes that would have the overall effect of reducing the powers of the federal government and increasing the powers of the provinces. It also repeated Meech Lake's recognition of Quebec as a distinct society.

Holding an eagle feather, Manitoba MLA Elijah Harper halted passage of the Meech Lake Accord. This famous photograph of Harper in the legislative assembly ranks alongside the photograph on page 78, showing the prime minister and queen signing the Constitutional Accord. Both images symbolize this significant period of political history in the minds of many Canadians across the country.

For Aboriginal peoples, the accord included several key features. It recognized Aboriginal peoples' inherent right to self-government and defined how self-government related to land, environment, language, and culture. It also recognized Aboriginal governments as a third order of government alongside the federal and provincial governments and guaranteed Aboriginal peoples' representation in the Senate.

Instead of ratification by the individual provinces, the Charlottetown Accord was to be approved in a national referendum. On October 26, 1992, Canadians were given the opportunity to vote on the so-called Unity Package. The yes side would have to win a majority both nationally and in each province to make the accord law.

The referendum campaign began on an optimistic note. All ten premiers backed the accord, along with many Aboriginal leaders, women's groups, and the media. However, the momentum soon began to slip. Many Canadians felt uneasy about the accord, finding it too complex, vague, and wide-ranging to absorb and understand. Others, particularly in the western provinces, objected to Quebec's recognition as a distinct society. Former prime minister Pierre Trudeau published a scathing condemnation of the accord in *Maclean's* magazine, arguing that it would cripple the federal government.

By the time referendum day arrived, the accord was in serious trouble.

Nationally, 54 per cent of voters rejected the accord. Only in New Brunswick, Newfoundland, Prince Edward Island, the Northwest Territories, and Ontario did a majority approve it. In the end, large numbers of Aboriginal peoples also voted against the accord. Aboriginal women's groups, in particular, worried that women's rights would not be sufficiently protected in the vision of Aboriginal self-government described in the agreement.

Indigenous Knowledge

What point are the Treaty Six and Seven First Nations making in the message that follows? Why do you suppose they took a stand apart from that of the Assembly of First Nations, which participated in the negotiations on their behalf? If possible, invite a community member to your classroom who can discuss this message and why Treaty Six and Seven did not support the Charlottetown Accord.

The First Nations of Treaty 6 and 7 have reviewed the proposed "Unity Package." It is our opinion that the proposed constitutional amendments do not honour the binding sacred trust obligations set out in our sacred treaties.

The primary and fundamental concern of our First Nations is that any discussions respecting our treaties must occur in a bilateral, nation-to-nation process between our respective First Nations and the Crown. These discussions have yet to occur, and yet our sacred treaties have been discussed in the multilateral constitutional process, and amendments to the constitution have been agreed to by the parties to that process. This is a flagrant violation of our agreements with the Crown under Treaties 6 and 7.

— Treaty Six and Seven First Nations,
A Message to all Canadians

Since 1992, there have been no further attempts to amend Canada's constitution. Aboriginal leaders have instead focused their energies on building on the foundation of the rights enshrined under Section 35 of the constitution. Much of this work centres on legal action and court decisions, as discussed on pages 86–87.

NATIONAL ORGANIZATIONS

After the success of the campaign to force the federal government to withdraw its 1969 White Paper, Aboriginal peoples became convinced of the effectiveness of speaking to the federal government with a united voice. However, Aboriginal peoples in Canada today are no more uniform than they were when Europeans first arrived on North American shores. If anything, Aboriginal peoples have become even more diverse.

Participation in the constitutional conferences led to an identification of diverse perspectives in the Aboriginal community. Today, these different perspectives are represented by five main national Aboriginal political organizations. These are the Assembly of First Nations, the Congress of Aboriginal Peoples, the Inuit Tapiriit Kanatami (formerly the Inuit Tapirisat of Canada), the Métis National Council, and the Native Women's Association of Canada.

National political organizations are influential because they each represent the views of many individuals with common goals. Most national organizations have community branches or affiliates to ensure their policies and actions are informed by grassroots needs. For example, the Métis National Council has five provincial affiliates, including the Métis Nation of Alberta (MNA). The Assembly of First Nations also has grassroots organizations at the community level.

Aboriginal political organizations must use lobbying and influence to achieve their goals — they do not have the kind of formal political power that provincial and territorial governments have. Federal and provincial government powers are guaranteed by the constitution.

National organizations influence the attitudes, values, and behaviours of Aboriginal peoples as well as Canadians' views of Aboriginal peoples. Media outlets often interview organization leadership to present Aboriginal people's views on the issues that affect them. Representatives are usually included in government discussions about policies that affect Aboriginal peoples.

Indigenous Knowledge

Using the Internet, prepare a summary of the five main national Aboriginal organizations:

- Assembly of First Nations
- Congress of Aboriginal Peoples
- Inuit Tapiriit Kanatami
- Métis National Council
- Native Women's Association of Canada

You can link to the organization Web sites at *www.aboriginalcanada.gc.ca.* Research who the organization represents, its history, and its basic organizational structure. How does it keep in touch with Aboriginal people's views at the local level?

Issues for Investigation

PROMOTING ABORIGINAL RIGHTS

How are Aboriginal leaders working today to affirm Aboriginal rights and freedoms?

WHAT TO DO

1. Choose a national Aboriginal political organization. Imagine that you are a public relations expert working for this organization. Your job is to get your organization in the national news tomorrow night with an attention-getting press release. A press release is a short document that tries to intrigue the media with a story idea in the hope of getting publicity for an organization or cause.
2. Research the organization's position on Aboriginal rights. What work is it doing in this area? Start by visiting the group's Web site and searching periodical indexes online or at the library for recent activities in the news.
3. If possible, interview a member of your local community who is involved in the organization. Be prepared with knowledgeable questions. With your interviewee's permission, record the interview or write their answers down exactly as they are said. Your press release will be more interesting with quotations from the person you interview, but you must be accurate in your record.
4. Write the press release. It should not be any longer than one page and should use precisely chosen language and information. Assume your audience knows nothing about Aboriginal rights. Check that your release has a date and headline before you hand it in. Include your name on the bottom as the person to contact for more information.

"The Constitution Act of 1982 was meant to be a landmark in Canada's dealings with the original peoples of this land, both in content and process," said [Matthew Coon Come, National Chief of the Assembly of First Nations in 2002].

"Section 35 of the Constitution recognizes three groups of Aboriginal peoples in Canada: First Nations (or "Indians"), the Métis, and the Inuit. Equally important, section 35 recognizes and affirms 'existing aboriginal and treaty rights.'

"This is an important distinction because it affirms that our rights as Aboriginal peoples are inherent rights. They are rights that have always been within us and that stay with us regardless of where we live in this land. Section 35 does not give us any rights. It recognizes and affirms the rights we have always held as self-determining nations. Those rights existed before any settlers arrived on our shores. We had those rights at contact and they exist today," said the National Chief.

— Excerpt from an April 17, 2002 press release issued by the Assembly of First Nations

LOOKING BACK

What Aboriginal rights were and were not recognized in the Constitution Act of 1982? How is the constitution particularly important for Métis and Inuit peoples? Imagine that you have the power to insert a clause into the Canadian constitution that will recognize a traditional Aboriginal law. Decide where this addition should go and write it exactly as it should be. If you can, use an Aboriginal language in the wording.

Aboriginal Rights and Canadian Law

AS YOU READ

Although it did not expressly recognize the inherent right to self-government, the Constitution Act of 1982 did much to further Aboriginal rights in Canada.

This section examines developments in Aboriginal rights since 1982. In particular, it deals with how Aboriginal people's rights have been recognized through court interpretations of the numbered treaties, Indian Act, Manitoba Act, Natural Resources Conservation Agreements, and Section 35 of the Constitution Act. As you read, make a concept map to organize your notes and indicate relationships between decisions, laws, and their implications for Aboriginal rights.

Canada's constitution recognizes "existing Aboriginal and treaty rights," but does not precisely define what those rights include. This has meant that the definition of Aboriginal rights is slowly evolving. It is the result of many court decisions as Aboriginal people sue the government, the government defends its perspective, and the Supreme Court rules how Aboriginal rights should be interpreted in light of the constitution.

The Supreme Court plays a large role in determining Aboriginal rights. What are the benefits and drawbacks of using the court to determine Aboriginal rights? What are the benefits and drawbacks of using other methods, such as negotiation or constitutional change?

The relationship between the government and Aboriginals is trust-like rather than adversarial, and...contemporary recognition and affirmation of Aboriginal rights must be defined in light of this historic relationship.

— Supreme Court of Canada, *R. v. Sparrow* (1990)

The process is costly and slow, but has resulted in significant gains for Aboriginal rights since 1982.

ABORIGINAL TITLE

As you learned in Chapter Two, all aspects of traditional First Nations, Métis, and Inuit cultures were intimately connected to the land. Many Aboriginal rights claims therefore involve the land and its resources.

Aboriginal title is a legal term that refers to an Aboriginal group's right to a specific territory. An Aboriginal group with title to a piece of land has the right to exclusive occupation of the land and the right to economic benefits from the land's resources. These land rights are based on the nation's longstanding occupancy and use of the land.

Having Aboriginal title is not the same as owning land in **fee simple**. If people own land in fee simple, they may do anything they like with it — keep it, sell it, lease it, give it away, or even destroy it.

A group with Aboriginal title cannot make use of the land in such a way that the land is alienated from the group's historic connection to it. For example, if an Aboriginal group

The fact is that when the settlers came, the Indians were there, organized in societies and occupying the land as their forefathers had done for centuries.

This is what Indian title means...

— Supreme Court of Canada, *Calder v. Attorney General of British Columbia* (1973)

has title to a piece of land based on its significance as a hunting area, they cannot build a parking lot on it.

In legal terms, Aboriginal title is *sui generis*, which means it is unique and somewhat difficult to define in property law. Aboriginal title is a collective property right, not an individual property right. It is the right of the group to use, occupy, and determine the uses to which a piece of land will be put.

Aboriginal title is not the same as Aboriginal rights. Aboriginal rights can include a wide variety of activities, such as hunting, fishing, gathering, or ceremonial practices. Members of an Aboriginal group might have the right to hunt or fish on **Crown land**, for example, without actually having title to the land. Crown land is owned by the Crown and managed by the federal or provincial government.

A frequent legal argument that has important implications for Aboriginal rights concerns the source of Aboriginal title. First Nations and Inuit peoples maintain that their Aboriginal title comes from the Creator. As such, it long predates any legislative act of a European or Canadian government and is therefore an inherent right. It cannot be removed, limited, or even defined with certainty.

A different interpretation — one sometimes argued by Canadian governments — is that Aboriginal title stems from the Royal Proclamation. The proclamation declared that lands west of the Appalatian Mountains "are reserved" for "nations and Tribes of Indian." The implication of this interpretation is that Aboriginal title comes from the Crown, not the Creator. This makes it a right that can be limited or extinguished by the Crown or by the government acting on behalf of the Crown.

TESTS TO ESTABLISH RIGHTS

In recent years, several Supreme Court decisions have outlined tests that can be used as guidelines for interpreting Aboriginal rights claims. These tests include one for Aboriginal title and one for Aboriginal rights.

Aboriginal Title Test

- The group must have occupied the land before the Crown asserted sovereignty over the area. The group can prove occupation and use of the land using its traditional laws in relation to the land, as well as evidence of hunting, building, cultivation of fields, fishing, and so on.
- The group must have had exclusive occupation of the land.
- The group must still have a substantial connection to the land.

Aboriginal Rights Test

- The activity the group is trying to protect must be integral to the group's distinctiveness as a society.
- The group must have exercised the activity before contact with Europeans or before the Crown asserted effective control over the people.
- The group must still practise the activity, although it can be in a modern form.

REFLECTION

Title claims are rooted in land, while rights claims are rooted in activities. A claim to Aboriginal title does not necessarily involve the right of self-government, but does imply possessing some authority over the uses to which land can be put. In small groups, research and briefly describe one court case dealing with Aboriginal title and one dealing with Aboriginal rights that highlight the distinction between the two.

Dr. John Snow is a respected Nakoda Elder, author, and storyteller who was chief of his band from 1968–1990. His book, These Mountains Are Our Sacred Places, *contains the history of his people before, during, and after signing Treaty Seven.*

NUMBERED TREATIES

In legal terms, the Canadian government viewed the treaty process as the "extinguishment of Indian Title." The government believed it was receiving title to the land in exchange for various treaty rights. From the government's perspective, this made sense: First Nations had title to the land and they willingly agreed to surrender it to the government through treaties.

From a First Nations perspective, the treaties are agreements between nations to share the land and its resources. First Nations leaders maintain that their ancestors could not have given the land to the newcomers for one simple reason: it was not theirs to give.

In addition, many First Nations leaders argue today that written treaty agreements do not always include everything their ancestors agreed to during negotiations. The Supreme Court of Canada agrees. It maintains that interpretations of treaty agreements must go beyond the written text to include the "spirit and intent" of treaties as described through oral history. Where there is doubt, the court suggests that treaty interpretations err on the side of generosity for First Nations.

According to oral history, for example, leaders of the Blackfoot Confederacy did not transfer ownership of the land in Treaty Seven. Rather, they promised to live in peace with settlers and, in return, asked for their help in adjusting to a new way of life. Oral history indicates that they were promised that they could continue to exercise control over most of their land and pursue their traditional livelihoods. The oral history from other areas report similar understandings of the treaty agreements.

For example, in the statement that follows, Lazarus Roan recounts stories told by his father and uncles, who were present at the Treaty Six signing:

> He [the government negotiator] would indicate with his hands approximately one foot in depth: "That is the depth that is requested from you, that is what the deal is, nothing below the surface, that will always belong to you. Only land where agriculture can be viable; other areas where nothing can grow, that will always belong to you. You will always be the owner of that land.… And when the negotiation has been concluded, and settlers begin to homestead, it will only be their property that will be fenced off, that you will not be allowed to enter. Other areas which are not homesteaded and remain open will belong to you as long as the sun shines."

This [treaty cession] was something that was difficult, if not impossible, for Indians to understand because we have no concept of individual land "ownership" in the European sense. In those days, we did not "own" the land by receiving title or patent from a tribal authority. My people had always believed that the land was created for its Indigenous inhabitants — animal, bird, and man. Our philosophy of life is to live in harmony with nature and in accordance with the creation of the Great Spirit. Anyone wanting to live by those principles is more than welcome, and, if he wants to, he may participate in our traditional ways, religion, and culture.

— Chief John Snow, Nakoda,
These Mountains Are Our Sacred Places

As you learned on pages 50–52, different opinions about the nature of treaty promises stem from many factors. Translation issues and differences between oral agreements and the written treaties are among the most significant.

To further complicate Aboriginal title issues, many First Nations lost their traditional lands without signing any formal treaties. Most of the First Nations in British Columbia, for example, have never formally released title to their traditional lands. These First Nations believe that they still hold title to the land, in both the traditional and the European sense.

Land claims are legal actions taken by Aboriginal groups to restore their rights to the land and to address specific grievances with respect to treaties or other agreements. The federal government established a process to deal with land claims in the 1970s, so most claims are pursued outside the courts. Aboriginal peoples generally resort to the courts to settle land claims only when negotiations fail. You will learn more about land claims in Chapter Four.

From a First Nations perspective, decisions about land rights covered by treaties or outside treaties need to consider oral testimony, such as that offered by Lazarus Roan. In the Supreme Court's landmark 1997 Delgamuukw decision, it ruled that oral history should be considered equal to other forms of evidence, such as written records, and that oral history can be used to establish Aboriginal title to land.

Issues for Investigation

COMPARING TREATY PROMISES AND TREATY TERMS

In approaching the terms of a treaty... the honour of the Crown is always involved, and no appearances of "sharp dealing" should be sanctioned.

— Ontario Court of Appeal, *R. v. Taylor and Williams* (1981)

What characterizes a treaty is the intention to create obligations ... Once a valid treaty is found to exist, that treaty must in turn be given a just, broad, and liberal construction.

— Supreme Court of Canada, *R. v. Sioui* (1990)

What rights are promised by treaties and how should they be interpreted?

WHAT TO DO

1. On page 52, you did an activity that used written and oral treaty agreements regarding self-government. In your groups, use the resources you identified in that activity to compare treaty terms regarding Aboriginal title or other Aboriginal rights.
2. Prepare a chart of written treaty promises compared to oral history accounts. Note areas where the accounts coincide and where they differ.
3. Using the Supreme Court's guidance on interpreting treaties, write a new treaty that incorporates both oral and written treaty promises.

ORAL HISTORY SKILLS

In 1912, Onondaga Chief John A. Gibson demonstrated just how much talent oral history requires, when he dictated the only complete written version of the Great Law of Peace. For more than four-and-a-half centuries, this law had been passed down orally with reference to a wampum belt. Chief Gibson's dictation was 514 handwritten pages.

Songs, stories, ceremonies, and dances form the heart of First Nations and Inuit history, law, and governance. They are all elements of a group's oral tradition, which varies in form and content from Aboriginal group to group. Oral history, as a distinct part of an oral tradition, is history from an Aboriginal perspective. The courts have identified three types of oral history:

- contemporary or past accounts of past events
- present-day speakers' memories of past events
- sworn statements of pre-contact ownership of land

In the Delgamuukw case, the Gitksan and Wet'suwet'en chiefs offered evidence of their people's traditional system of land tenure through a description of the *adaawk* of the Gitksan and the *kungax* of the Wet'suwet'en.

The *adaawk*, for example, explains information about a particular house (clan group) and how that house owns the land. It includes information about crests, names, and fishing stations connected to the house. It also describes how the house first attained the land and territory associated with it.

Such testimony attests to the Gitksan people's system of land tenure and laws regarding land use. Other First Nations and Inuit peoples have their own customs that relate to each group's needs and the conditions in their specific territory.

Your Project

1. Choose one of the following options as the basis of an oral history you will tell your class:

   Topic A: a story from an indigenous people's culture that relates some element of their history. You will need to also research the culture the story originates from so that you will understand the story's full meaning and purpose.

   Topic B: an historical incident that you would like to tell as an oral history. You will need to think about how you can make the historical event come alive. Be sure to follow the facts of the story, but remember that you do not need to tell every detail. To keep your audience's attention, be choosy in your selection of what you relate.

   Topic C: an event from your own life that you would like to share. You might want to start by writing down key parts of the story that you think are significant.

2. Prepare or research your story. Think about why you are telling it. What might others learn? Be sure your story will be meaningful to your audience — in this case, your classmates. Practise the story until you can tell it naturally, without referring to notes.
3. Share your story with the class.
4. What did you find most difficult about relating the story? What does your experience teach you about the skill needed to relate oral history? Write your responses in a paragraph to submit to your teacher.

Going Further

Invite an Elder from your community to visit the class to share part of the oral history of his or her people. You might specifically request oral history related to land use and occupancy.

MANITOBA ACT

Since 1982, Aboriginal rights cannot be extinguished by federal or provincial legislation. The only way they can be extinguished is though explicit surrender or constitutional change.

The Manitoba Act is often used as an example of explicit surrender. It clearly states that its purpose is to "extinguish the Indian title preferred by the Half-breeds." Individuals who took scrip relinquished their title to land, although not necessarily their other Aboriginal rights.

In the case of Morin and Daigneault, the Saskatchewan Court of Queen's Bench affirmed that Métis harvesting rights had not been extinguished by the Dominion Lands Act or Manitoba Act. This is because neither document explicitly mentions the issues of hunting and fishing.

Other cases in the courts will deal with how the scrip process affects Métis land rights. Some argue that the many documented cases of fraud that deprived Métis people of their land rights leaves their Aboriginal title to land intact.

INDIAN ACT

Under the Indian Act, First Nations have only **usufructuary rights** to reserve lands. This term means they can use the land, but they do not own it in fee simple. A First Nations member may "possess" a piece of reserve land in the sense that their home and business may be on it, but he or she cannot sell it.

Reserve lands belong to the Crown and are held in trust for First Nations in perpetuity — forever. This establishes a trust, or **fiduciary**, relationship between First Nations and the government. A government's fiduciary obligation means that it must act in a First Nation's best interests in dealing with the nation's land. For example, if the federal government makes an agreement to sell a First Nation's land or resources, it must do so at fair market value. Some land claims today deal with instances where First Nations believe the government did not fulfill its fiduciary obligations. In some cases, land or resources were sold for far less than market value.

The Indian Act withheld land ownership in fee simple to prevent First Nations from selling, trading, or giving away the land that their children and grandchildren would eventually live on. However, this decision severely reduced First Nations' economic power. First Nations communities and individuals cannot sell or mortgage their land. This restriction makes it difficult for a community to raise capital for business ventures or even for an individual to borrow money to build a house.

Louis Nabess and Pierre Carriere of Cumberland House, Saskatchewan, pose after a successful hunting trip for wildfowl in 1953. Ways of life that include hunting, trapping, and fishing are an integral part of traditional Métis culture. In your opinion, are traditional harvesting rights justifiably restricted to protect endangered species? Discuss this question in small groups.

Ranchers spearheaded the campaign for provincial control of natural resources. They needed Crown land for their cattle. To this day, many provincial parks in Alberta are designated as multi-use, which allows some industries and ranching operations to use park land.

Many First Nations leaders see land ownership in fee simple as an important prerequisite for achieving self-determination for their people. Other people worry that ownership in fee simple could lead to the loss of land for future generations if a group sells or forfeits a mortgage on their land.

Each community that accepts the benefits of ownership in fee simple must also accept the accompanying risks. This makes ownership in fee simple a controversial step in many communities.

NATURAL RESOURCES TRANSFER AGREEMENTS

When Manitoba, Saskatchewan, Alberta, and British Columbia first became provinces, they had different status from other provinces. In the rest of Canada, Crown lands and resources fell under provincial jurisdiction. In the four western provinces, Crown lands and resources were owned by the federal government.

For years, the governments of the four provinces fought for equal treatment. In 1930, the federal government finally agreed. The Natural Resources Transfer Agreements (NRTAs) turned Crown land over to provincial jurisdiction.

EXCERPT FROM THE NATURAL RESOURCES TRANSFER AGREEMENTS

Indian Reserves

10. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof....

12. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

REFLECTION

Legalese is a slang term that is used to characterize the difficult language of legal documents. In plain and clear language, re-write the clauses from the Natural Resources Transfer Agreements.

Although Aboriginal peoples were not consulted about the transfer, the agreements had implications for their rights. First Nations reserves are on Crown land, and treaties guarantee signatories the right to hunt and fish on Crown land. Treaty agreements meant that the NRTAs needed to include a section outlining how reserves would be affected by the agreements.

In Section 10, the NRTAs clearly stated that the Crown land being transferred to provincial jurisdiction did not include reserves. Reserves would still be administered by the federal government. Furthermore, if the federal government needed more Crown land to fulfill its treaty obligations, the provinces would have to provide it.

This requirement could add up to a lot of land. For example, several Alberta First Nations believe that they never received the land they were entitled to by treaty. Since 1986, Alberta has turned over 72 146 hectares and paid $57.6 million in compensation for land that remains under its control. Several other large claims are still in negotiation.

In addition, the NRTAs gave the provinces only limited power to regulate First Nations hunting and fishing. On unoccupied Crown land, First Nations people with treaty rights can hunt, fish, and trap year-round — provided they are doing so for food. Supreme Court decisions have ruled that they can even do so outside of the province in which they live.

In its 1996 decision in the Badger case, the Supreme Court ruled that Treaty Eight signatories have the right to hunt on privately owned land if that land is not put to any obvious use. However, the court held that, although Treaty Eight protects the right to commercial activity on Crown land, the NRTAs limited harvesting to subsistence hunting, trapping, and fishing. In other words, the court interpreted the NRTAs as extinguishing commercial harvesting rights and overriding the treaty promise.

Whether or not Métis harvesting rights are protected in NRTAs is still being argued in the courts.

SECTION 35

Since 1982, many court cases have clarified how Section 35's recognition of "existing Aboriginal and treaty rights" should be interpreted. This clarification is ongoing and will continue to be further defined in the future. In general, the court has indicated that Aboriginal rights are not absolute. Like other kinds of rights, they are subject to a balance of interests.

For example, the courts have been clear that they will not deprive innocent third parties of their rights in order to satisfy claims to Aboriginal rights. This means that settlements for land claims to areas such as Vancouver or Ottawa will not force all the non-Aboriginal people currently living there to move. Other ways of settling a successful claim in such cases would need to be found — most likely through financial compensation.

One question that is frequently tried in the courts concerns Aboriginal harvesting rights and the extent to which they can be limited

The Little Red River Cree Nation helps its members by developing traditional and non-traditional jobs on its land. Little Red River Forestry, for example, provides many full-time and seasonal jobs. It also consults with Elders, trappers, and other community members to be sure its forestry practices do not impinge on traditional ways of life and values.

As her ancestors did, Loretta Mercredi makes a living from the land's resources. However, Mercredi works in a modern way. She works in the Central Maintenance and Supply Services department at Syncrude Canada.

by federal or provincial laws. Harvesting rights include hunting, fishing, and trapping rights, but could potentially include the right to make a living from the land by logging or whatever other means necessary in the present time.

The Supreme Court's 1990 decision in the Sparrow case established a framework for assessing when aboriginal harvesting rights can be restricted by federal or provincial law. The court ruled that some objectives could override Aboriginal rights, such as economic development or the protection of endangered species. However, the government must have "compelling and substantial" reasons before taking this action. The court stated that any limitations must uphold the honour of Crown and must be consistent with "the unique contemporary relationship, grounded in history and policy, between the Crown and Canada's aboriginal peoples."

In addition, the court clarified that Aboriginal rights are geographically specific. Just because one group has a right to fish off the west coast does not mean the rights will apply to other groups.

In a trio of 1996 decisions (Van Der Peet, Gladstone, and Smokehouse), the Supreme Court ruled that an Aboriginal right to sell fish commercially can exist if the right was an integral part of the culture and customs of the specific Aboriginal group before contact. The practice must be a part of the distinctive culture of the group, although it may have evolved into a modern form.

In its decision, the court affirmed that the constitution did not create Aboriginal rights — they already existed. Governments cannot extinguish rights, but can infringe upon or regulate them using guidelines established in the Sparrow case.

Indigenous Knowledge

This page gives two examples of Aboriginal people who make a living from the land's resources. In your opinion, should Aboriginal harvesting rights include the right to make a living in any way from the land, including commercial, non-traditional practices? Discuss this issue with a partner.

In the Van Der Peet decision, the court was careful to say that the pre-contact provision for the rights test does not rule out Métis claims. It stated that other dates may need to be set for other groups of Aboriginal peoples, such as Métis groups that developed after contact. Each decision about Aboriginal rights would need to be reached on a case-by-case basis.

The Powley Case

In 2003, the Powley case established an important precedent for Métis rights under Section 35. In the case, the Supreme Court upheld an Ontario court decision that asserted that Steve Powley and his son Roddy had Aboriginal hunting rights under Section 35. The Ontario appeal judge noted in his judgement that

> Surely, at the heart of s. 35(1), lies a recognition that aboriginal rights are a matter of fundamental justice protecting the survival of aboriginal people, as a people, on their lands. The Métis have aboriginal rights, as people, based on their prior use and occupation as a people. It is a matter of fairness and fundamental justice that the aboriginal rights of the Métis which flow from this prior use and occupation, be recognized and affirmed by s. 35(1) of the Constitution Act, 1982.

One of the arguments the Crown made in its case against the Powleys was that the uncertainty surrounding the identification of people entitled to Métis rights made it impossible to guarantee those rights. In the Powley decision, Mr. Justice Sharpe rejected this argument. He stated

> I do not accept that uncertainty about identifying those entitled to assert Métis rights can be accepted as a justification for denying the rights…The basic position of the government seems to have been simply to deny that these rights exist, absent a decision from the courts to the contrary…The government cannot simply sit on its hands and then defend its inaction because the nature of the right or the identity of the bearers of the right is uncertain.

The court's statement clearly indicated that the federal government needed to take action to address Métis concerns. Although the Powley decision only applies in Ontario, Métis leaders across the country hailed it as a strong precedent in support of Métis rights everywhere.

Métis hunter Steve Powley attracted media attention across the country when the Supreme Court supported his Aboriginal hunting rights. How might this court decision impact Métis land claims?

The status of Aboriginal women, such as Jeannette Corbiere Lavell and others who fought gender discrimination in the Indian Act, has improved since 1982. Section 35 of the Constitution Act gives explicit protection for gender equality. Supreme Court decisions have ruled that this equality takes precedence over even traditional practices that might otherwise be considered an Aboriginal right. What is your opinion on this issue?

THE JUSTICE OF RIGHTS

As you learned in this section, Aboriginal leaders are actively working to define and clarify what Aboriginal rights are and who holds them. In your talking circle, discuss some of the issues and ideas you have read in this section, along with the perspectives on pages 96–97. Consider the questions that follow as you read:

- How are Aboriginal rights protected by the constitution?
- How are Aboriginal people's individual rights protected?
- What does justice mean to you? How should justice be a part of interpreting rights as recognized by various laws?

As you hold your talking circle, listen carefully to each person's point of view so that you can remember as much as possible for your notes following the discussion.

One of the most persistent red herrings in public debates that consider Aboriginal rights of self-government, or treaties, is the idea that setting up Aboriginal governments, or negotiating treaties with people who are Canadian citizens, is "a form of apartheid, based on 'racial background.'"… It is worth pausing to emphasize that "race" is an idea and not a biological fact. There are no biological races. The term is usually applied to a group singled out for special attention for political reasons. That the term has no scientific content is a fact that is beyond contention. Those individuals who happen to have one or more "Aboriginal" ancestors and who are treated adversely on that account, are entitled to the remedial benefits of the Charter [of Rights and Freedoms] as interpreted by the courts. But this does not mean that each such individual has any Aboriginal rights. This is where the confusion often begins. Aboriginal rights are group rights, and not individual rights. They are expressly recognized and affirmed in Part II of the Constitution Act 1982, where they are carefully separated from the individual rights contained in the Charter, which makes up Part I of the Act.

The Supreme Court of Canada has explained that Aboriginal rights are held by historic groups that have lived and continue today to live in a particular territory or place. Aboriginal rights are specific to distinct historic societies in their own ancient homelands. They are not held by persons on account of their biological "heritage." Aboriginal rights can only be exercised by persons by virtue of their membership in a particular historic community in a particular place.

— Paul Chartrand, "Debunking the 'Race' Myth in Debating B.C. Treaties"

Indian Nations in Canada were never conquered. European traders and, in later years, settlers, were made to feel welcome in a land and environment which was alien to them. Throughout years of European settlement and expansion, Indian Nations sought a mutual accommodation, one that would permit a bountiful land to be shared to the benefit of all.

Indian rights to land, resources, culture, language, a livelihood and self-government are not something conferred by treaties or offered to Indians as concessions by a beneficent government. These are the rights that Indian Nations enjoy from time immemorial. These rights are pre-existing and inviolable. A Canadian constitution can accommodate Indian rights, it cannot diminish, alter, or eliminate them.

Indian Nations understand the constitution to be a pact among founding peoples, among which we include ourselves. We understand our special constitutional relationship with the Federal Government to be in the nature of a partnership with the federative system, which was intended to permit us to survive and prosper as Indian Nations, while contributing to Canada's total development.

— Union of British Columbia Indian Chiefs

The ways that are remembered in story, song, and ceremony are the inherent rights of the Blackfoot people. That is, they have a right to determine how these traditional ways of governing relations can be interpreted in today's society. It is a big challenge, no doubt. But it starts with cross-cultural understanding. When you better understand the land that surrounds you, it comes alive for you and in turn, you treat it as you treat other life, with respect.

For the Blackfoot, much has changed, but the willingness to share the land has not. However, it must be done in a way that, like the many generations of Blackfoot that lived on the land, more generations to come from all races can continue to source the earth for sustenance, for life. It is the inherent right of the Blackfoot people to use their traditional land management and governance practices. It is the balance of the natural laws of the environment, and the spiritual laws of the ceremonies that allowed the Blackfoot to live so long and continue to live in their traditional territory. These rules are important not just for the Blackfoot people, but for biodiversity and the sustainable use of Earth's resources so that all people can benefit and live in balance and harmony with the earth.

— Paulette Fox and Duane Mistaken Chief, Kainai First Nation, "Blackfoot Land Governance"

REFLECTION

What are Aboriginal rights? What ideas do each statement on pages 96–97 contribute to your understanding of Aboriginal rights? Think about ideas from your talking circle discussion and write notes covering your own ideas and those of your classmates.

LOOKING BACK

Summarize your work in this section by researching one court case that relates to Aboriginal rights. Choose one mentioned in this section, or another that interests you. Prepare a summary that explains the case's significance in terms of Aboriginal title, Aboriginal rights, harvesting rights, self-determination, and so on.

Re-Building Self-Government

AS YOU READ

Since 1982, most progress on Aboriginal self-government has been made through negotiation, not court action, although court decisions continue to influence the federal government's policies and law-making.

As you read this next section, recall what you know about the diverse cultures and histories of Aboriginal peoples. Why might some communities have a harder time than others achieving self-government? Why do you think the greatest self-government progress has been made at the community level, rather than constitutional level?

MOST ABORIGINAL LEADERS AGREE THAT SELF-GOVERNMENT HAS GREAT IMPORTANCE FOR THE FUTURE OF THEIR PEOPLE. SELF-GOVERNMENT OFFERS THE OPPORTUNITY TO DETERMINE THE DIRECTION OF THEIR political, economic, cultural, and social futures. From this perspective, self-government promises

- greater political control over decisions that affect their nations and independence from outside pressures and influences by Canadian federal, provincial, and municipal governments
- greater opportunities for economic development to end poverty, unemployment, dependency, and the unequal distribution of wealth between Aboriginal peoples and other Canadians
- greater opportunities for culturally sensitive services that will help overcome problems such as poor housing, ill health, inadequate education, and feelings of alienation
- greater protection of Aboriginal cultures, and support for Aboriginal languages, traditions, customs, and art

In addition, Aboriginal leaders agree that self-government is an inherent right. For First Nations and Inuit peoples, this right comes from the Creator. For Métis people, the right comes from their position as a uniquely Canadian people that are indigenous to this country in a way that no other people are. Métis people are a cultural, political, and economic blend of indigenous North American and immigrant European roots.

Aboriginal perspectives on self-government and many other topics were expressed in the *Report of the Royal Commission on Aboriginal Peoples*, published in 1996.

> **For this rebirth to be meaningful, anything short of true independence and complete freedom will not be acceptable. Trimmed to the bare bone, this means we must regain control over the basic decisions affecting our everyday lives, our communities, our children, our futures. Parents must regain the right to make decisions about the lives of their children; their education, the values they grow up with, their preparation for life. We are talking about the right to make the decisions that will allow our communities to flourish, the simple right to earn a living in the way we feel will best reflect our identity and our society.**
>
> — Harold Cardinal, *The Rebirth of Canada's Indians*

ROYAL COMMISSION ON ABORIGINAL PEOPLES

The federal government established the Royal Commission on Aboriginal Peoples in 1990. The commission was charged with the task of assessing the social, cultural, and economic challenges facing First Nations, Métis, and Inuit peoples, and to recommend solutions.

Between 1991 and 1996, the Royal Commission held 178 days of hearings, with 3500 witnesses. In late 1996, the commission released its report in six volumes. It called for a far-reaching change in the relationship between Aboriginal peoples and the rest of Canada.

Among its many conclusions, the report recommended

- a proclamation by the federal government to admit past mistakes and establish a bilateral, nation-to-nation relationship between Canada and Aboriginal peoples
- constitutional recognition of the inherent right of Aboriginal peoples to self-government
- an Aboriginal constitutional veto on matters affecting the constitutional rights of Aboriginal peoples

The Royal Commission proposed that Canadian federalism be revised to include three orders of government: federal, provincial, and Aboriginal. The commission maintained that each level of government should have full powers over the areas in its jurisdiction, unlike municipal governments that have powers delegated to them by the provincial or territorial governments. The commission noted three basic models for self-government, asserting that a one-size-fits-all system could not work. The diversity of First Nations, Inuit, and Métis cultures and history would require a diverse selection of self-government models.

Georges Erasmus, former chief of the Assembly of First Nations, was co-chair of the Royal Commission on Aboriginal Peoples in 1996. The commission also included Viola Robinson, former president of the Native Council of Canada and Mary Sillett, former vice-president of the Inuit Tapirisat of Canada. What does their presence on the commission tell you about the influence of national Aboriginal organizations on the federal government?

Responses to the Royal Commission's Report

Most Aboriginal leaders agreed with the report's conclusions. Many felt that it clearly outlined Aboriginal peoples' situation in Canada and provided practical ways to improve their people's lives.

In January 1998, the federal government released its response in a document called *Gathering Strength: Canada's Aboriginal Action Plan*. In the document, the government expressed its regret for past actions that damaged Aboriginal peoples and communities. It then set out a plan to develop a new relationship between the federal government and Aboriginal peoples.

The plan included a pledge to fully implement the terms of all treaties, strengthen Aboriginal self-government, provide new funding arrangements for Aboriginal governments, and develop programs in consultation with Aboriginal peoples to promote greater social, cultural, and economic development for their communities.

Issues for Investigation

NEGOTIATING SELF-GOVERNMENT

The Royal Commission on Aboriginal Peoples listed core areas of jurisdiction it considered essential to self-government. These core areas included

- citizenship and membership
- government institutions
- elections and referendums
- access to and residence in the territory
- lands, waters, sea-ice, and natural resources
- protection and management of the environment
- economic life, including commerce, labour, agriculture, hunting, trapping, fishing, etc.
- regulation of businesses, trades, and professions
- management of public monies and other assets
- taxation
- family matters, including marriage, divorce, adoption, and child custody
- property rights, including succession and estates
- health
- social welfare, including child welfare
- education
- language, culture, values, and traditions
- some aspects of criminal law and procedure
- administration of justice
- policing
- housing and public works

What powers are most important for self-government?

WHAT TO DO

1. Compare the Royal Commission's core areas of jurisdiction to the current powers of band councils as listed in Section 81 of the Indian Act. What additional powers did the Royal Commission recommend? Why do you think these might be significant for a self-governing body? Which powers do you think are most significant?
2. In any negotiation, parties must be flexible on issues considered of less importance in order to gain on issues considered critical. Work with a partner to select a list of essential powers for self-government from the Royal Commission's list.
3. Imagine a scenario in which you are negotiating with the federal government and you get all the powers you consider essential except one. Would you agree to give up the one power in exchange for the rest? Are there any powers that you consider so important that you would risk losing the whole deal? Which ones?
4. Compare your list of essential powers with other pairs to see if you can find consensus. Once you do, approach another group with the same goal. Repeat the process until you have classroom-wide consensus or until you run out of time.

Think About Your Project

Think about this activity in terms of the task facing negotiators. What did you learn? Write a paragraph expressing your ideas.

FEDERAL GOVERNMENT PERSPECTIVES

In 1995, the federal government established a policy that moved self-government negotiations forward, even without constitutional support. The policy asserted the principles that the government would follow in self-government negotiations. Key principles from the policy are as follows:

- The inherent right of self-government is recognized as an existing Aboriginal right under Section 35 of the Constitution Act, 1982.
- Aboriginal self-governments should operate within the framework of the Canadian constitution, and self-government powers should be harmonious with other levels of government under the constitution.
- Provincial and territorial governments must be part of negotiations for self-government because some of the powers under negotiation may affect provincial and territorial areas of jurisdiction.
- Aboriginal self-government does not mean sovereignty in an international sense, but rather an enhancement of Aboriginal peoples' participation in the Canadian federal system.
- The Canadian Charter of Rights and Freedoms will bind Aboriginal governments.

The federal government's 1995 policy on self-government reflected what it had already learned through land-claims negotiations: solutions usually require the involvement of a provincial or territorial government. Here, representatives of the Janvier First Nation in Alberta receive its land-claim settlement in 1993. (Left to right: Councillor Edith M.Janvier, Chief Fred Black, Councillor Stuart Janvier, Councillor Jimmy Janvier) The First Nation received 1376 hectares of land and $5 000 000. The Government of Alberta contributed the land and $1 800 000. The Government of Canada contributed $3 200 000.

STAGES IN SELF-GOVERNMENT NEGOTIATIONS

Framework Agreement: The first stage of negotiation results in a Framework Agreement. The groups involved agree on the issues to be discussed, on how they will be discussed, and on deadlines for reaching an Agreement-in-Principle.

Agreement-in-Principle: The Agreement-in-Principle (AIP) is the second stage in the negotiation process. AIP negotiations are often the longest stage because negotiators must address and resolve the issues set out in the Framework Agreement. The AIP generally contains all of the major elements of the Final Agreement.

Final Agreement: The Final Agreement is based on the AIP. It must be ratified and signed by all parties. It is then made effective through federal and, in some cases, provincial legislation. Final agreements include implementation plans.

Implementation Plans

Each self-government agreement includes an implementation plan. The government describes implementation plans as the "who", "how", "when," and "how much" of the self-government agreements. Implementation plans ensure that each partner to the agreement clearly understands its obligations, including how and when the obligations need to be carried out. The requirement to have implementation plans ensures that self-government agreements cannot be concluded without agreement upon crucial issues, such as time frames and financial contributions. The goal of implementation plans is to have fewer misunderstandings between partners once an agreement is reached.

Issues for Investigation

INVESTIGATING THE FEDERAL POLICY ON SELF-GOVERNMENT

The federal government's 1995 assertion that Aboriginal peoples have an inherent right to self-government made it possible for many communities to move forward with self-government proposals. Today, most land claims negotiations include negotiations for self-government.

What is the federal government's policy on self-government negotiations?

WHAT TO DO

1. Divide the class into enough groups that each can investigate one of the topics listed below. All are found in the federal government's policy on self-government negotiations. The policy, called *Aboriginal Self-Government: The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government*, is available online.

   #### Topics

   - scope of negotiations
   - fiduciary obligations
   - accountability
   - financial arrangements
   - access to programs
   - implementation of plans
   - approach to First Nations
   - approach to Inuit
   - approach to Métis and First Nations groups that do not have a land base
   - approach to Métis with a land base
   - approach to the western Northwest Territories
   - approach to the Yukon

2. Research your topic and prepare a lesson for the rest of the class. If possible, prepare notes that you can photocopy for your classmates or deliver using a tool such as PowerPoint™ or an overhead projector.
3. Prepare two or three questions related to your lesson and give them to the teacher. Your teacher will prepare a class quiz using questions from all the groups.
4. Deliver your lesson to the class and be prepared to answer questions. While other groups present, take notes and ask for clarification of any material you do not understand.
5. Take the quiz distributed by your teacher.

PROVINCIAL GOVERNMENT PERSPECTIVES

First Nations relationships with Canada have historically been conducted through the federal government. The Royal Proclamation of 1763 and treaties established the relationship as one of nation to nation. First Nations leaders have been reluctant to include provincial governments in negotiations with the federal government because they did not want to lose any symbolic or real status as sovereign nations.

Métis and First Nations people without status have always fallen under provincial or territorial jurisdiction, but provincial governments have historically offered few, if any, programs to address their specific needs.

During the conferences to amend Canada's constitution during the 1980s, some provinces were vocal in their opposition to including self-government in the constitution. Most accepted Aboriginal peoples' right to self-government. The issue for them was how self-government would affect their own powers and financial obligations. Without a clear explanation, they refused to include the right to self-government in the constitutional amendments.

In addition, the provincial governments feared they would not be involved in self-government negotiations, preventing them from protecting their own political and financial interests. This concern was most evident in some western provinces, where Aboriginal peoples form a larger proportion of the population than in eastern and central provinces.

In 1989, the federal government created a Federal–Provincial Relations Directorate to co-ordinate federal and provincial government activities. Since the federal government's 1996 policy on self-government negotiations, the provincial governments have become full participants in the process. Their inclusion alleviates many provincial concerns and makes them more receptive to self-government proposals.

First Nations leaders have generally accepted the practical reasons for inclusion of the provincial governments. Today, self-government agreements are generally **tripartite agreements**, which means they involve three partners: the federal government, a provincial or territorial government, and one or more Aboriginal governments.

At times, Aboriginal peoples' goals get caught up in the broad streams of issues the federal and provincial governments face. Each level of government has its own mandate and set of priorities. Sometimes these different mandates come to play at the self-government negotiating table, whether or not they have anything to do with Aboriginal peoples. This is the reason many Aboriginal leaders would prefer that Aboriginal peoples' right to self-government be recognized in the constitution. Such recognition would keep the governments focussed on Aboriginal people's rights and would keep negotiations progressing.

MODELS OF SELF-GOVERNMENT

Aboriginal leaders agree that their communities have the right to self-government and that self-government is highly important to their communities' future. Most also assert the government's fiduciary responsibilities — meaning the government has an obligation to provide the resources needed to help communities achieve self-government. All agree that no single model of self-government will work for all communities. The diversity of cultures, histories, and current circumstances among First Nations, Métis, and Inuit communities across the country will, to a large extent, determine their views on what self-government should look like.

Where leaders sometimes disagree is whether individual communities should wait for self-government until all or most are in a position to achieve it, or whether communities should move forward individually as soon as they are able. This difference of opinion leads to different ideas about strategies for achieving self-government.

For example, the priority of the Inuit in Nunavut, who are a majority of the population in that territory, might be to increase the powers of provincial and territorial governments in relation to the federal government.

First Nations with land and many human and economic resources at their disposal often want to see the Indian Act and its history of paternalism gone forever. First Nations without well-developed resources sometimes prefer a revised Indian Act that would keep their special status intact, along with more economic and political freedom. Some groups want a constitutional change that recognizes Aboriginal peoples as Canada's third founding nation. Others want stronger treaty agreements. Most models of Aboriginal self-government seek to maintain some special rights within the Canadian federal system.

In November 2004, Enoapik Sageatok, an Elder from Iqaluit, lit the ceremonial qulliq *to open the second session of Nunavut's legislative assembly. Although Nunavut has a public government, the Inuit majority in the territory ensures that Nunavut's government reflects Inuit culture and values.*

Métis communities with a land base have a stronger case for self-government than those without, simply because they can propose self-government options that work within existing government systems. Urban Aboriginal peoples and others without a land base have different expectations for self-government. Aboriginal perspectives on self-government are too diverse to list completely, but these examples provide a sense of the complexity of the issues facing negotiators.

Pages 104–105 present several models of self-government from across the spectrum of hundreds or even thousands of options.

Third Order Government

In this model, Aboriginal governments would form a third order of government in Canadian federalism alongside the federal and provincial governments. Powers of the Aboriginal governments would be detailed in the Constitution Act. Aboriginal governments would have the wide-ranging powers of provincial governments, with some areas of federal jurisdiction. Some guarantees for the rights of non-Aboriginal peoples living in areas governed by Aboriginal governments would need to be established.

Benefits: Enshrinement of self-government in the constitution would mean it could not be removed or changed by other levels of government. The change in Aboriginal peoples' status in Canada would have symbolic meaning along with practical powers. Aboriginal governments would be responsible to their communities, not another level of government.

Drawbacks: Reaching agreement for this level of change will be difficult and time consuming. It could take decades. The federal and provincial governments dislike the unknown and would likely insist on knowing the details of this model of government before inserting it into the constitution. This model might not be suitable for communities without significant resources.

Public Government

This model would be most appropriate for nations in which the majority of residents in the territory are Aboriginal people. In this form of self-government, both Aboriginal and non-Aboriginal peoples could participate equally in government. Public governments would likely be similar to other forms of government in Canada, with some adaptations related to Aboriginal heritage.

Benefits: This form of government may be easier to achieve because it uses existing breakdowns of government powers and systems of intergovernmental relations. Non-Aboriginal citizens do not need special rights guaranteed because all citizens in the public government's territory have the same rights.

Drawbacks: Few Aboriginal groups in the country would likely find that this model meets their needs. Nunavut is a current example of a public government. You will learn more about how Nunavut's government works on pages 153–155.

Municipal-Style Government

A municipal-style Aboriginal government would receive self-governing powers through a change in legislation. Several First Nations in Canada have opted for this route and now have forms of community-based self-government. The first was in 1984, when the federal government passed legislation to give the Cree of Northern Quebec a municipal form of government.

In 1986, Bill C–43, the Sechelt Indian Band Self-Government Act, was passed to establish an "Indian government district," a form of municipal government with broad powers over education, health, social services, resource development, employment, and environment. The Indian Act no longer applied to Sechelt territory.

Benefits: This kind of government can be created relatively quickly and tends to be favoured by the federal government. It can achieve practical goals of economic and social development. Precedents now exist from which communities can begin negotiations.

Drawbacks: If another level of government delegates powers to the self-governing body through legislation, the powers or rights can also be changed or taken away. In addition, many bands are small and do not have sufficient resources to take on additional responsibilities to administer programs and services. Symbolically, the model does not reflect an elevated position for Aboriginal peoples' contributions to Canadian history.

Community of Interest Government

This innovative model, proposed by the Royal Commission on Aboriginal Peoples, would assist the growing number of Aboriginal peoples living in urban centres to achieve a measure of self-government. This form of government would likely include powers delegated from other Aboriginal governments or the provincial government. It would control areas such as education, health care, economic development, and culture.

Benefits: Urban residents from diverse Aboriginal backgrounds could achieve some degree of cultural and linguistic protection, as well as some economic development assistance. It is one of the only self-government models that meets the needs of diverse communities without a land base.

Drawbacks: The details would be difficult to arrange among diverse Aboriginal interests and between Aboriginal and non-Aboriginal governments. With many groups involved, funding this type of government would likely be a problem.

REFLECTION

In a small group, prepare a list of issues and questions that negotiators face in trying to establish self-governments. Some questions include

- How will the government be funded?
- To whom are Aboriginal leaders accountable (their communities or the federal government)?
- How is self-government guaranteed (through the constitution, Indian Act, other legislation)?

Once you have your list, answer the questions using a particular self-government model. You can find many Final Agreements, Agreements-in-Principle, and Framework Agreements at *www.ainc-inac.gc.ca.*

LOOKING BACK

Create a diagram that shows as many perspectives on self-government as you can. As a minimum, include federal government, provincial and territorial governments, First Nations, Métis, Inuit, and non-Status Indian perspectives. Where do the various perspectives agree? Where do they disagree and why?

Chapter Three Review

Check Your Understanding

1. Who is Elijah Harper and what was his role in the Canadian constitutional process?
2. Why was the right to self-government not included in the Constitution Act of 1982?
3. What rights were guaranteed in the constitution?
4. What specific clauses refer to Aboriginal peoples?
5. Why is the constitution particularly significant for Métis and Inuit peoples?
6. Why do First Nations and Inuit communities consider self-government to be an inherent right?
7. Name five national Aboriginal political organizations and explain who each group represents.
8. What is the difference between Aboriginal title and Aboriginal rights?
9. Explain how each of the following are significant in terms of Aboriginal title: the Natural Resources Transfer Agreements, the numbered treaties, and the Manitoba Act.
10. Using two specific examples, explain how the Supreme Court has affected Aboriginal rights.
11. What was the Royal Commission on Aboriginal Peoples and what is its significance for Aboriginal rights?
12. What is the difference between inherent rights and the Aboriginal rights recognized by the Constitution Act of 1982?
13. How are land rights related to other rights, such as the right to self-government? Why might the second be dependent on the first?
14. What kinds of oral history has the Supreme Court recognized? Name at least five types of evidence an Aboriginal group might offer to establish its claim to rights or title.
15. Name two communities that have a form of self-government today and list characteristics that make them self-governing.
16. In what ways do First Nations view treaties as fundamentally different from the Indian Act? How does this impact their view of the rights in each?
17. List at least five issues or questions that must be addressed in self-government negotiations. Explain how each issue is significant to the negotiation participants (Aboriginal organizations and/or communities, federal and provincial governments).
18. In a chart, summarize the roles of Aboriginal organizations, the federal government, and provincial governments in self-government negotiations.
19. Name at least one contemporary Aboriginal political leader and describe how his or her organization is working for Aboriginal rights. In your opinion, is this leader and his or her group doing an effective job? Give reasons for your answer.
20. What is Crown land?
21. How did the Natural Resources Transfer Agreements affect First Nations land rights?

Speaking and Listening

22. Find a story from the oral tradition of a First Nation from your area that could be used to support an Aboriginal rights claim, such as the right to hunt or fish.
    (a) Learn the story and practise it until you can tell it in your own words without referring to notes.
    (b) Working with a partner, tell each other your stories. Afterwards, the listener's job is to explain how the story supports a rights claim and to describe what kind of claim it might be used for.
    (c) How does oral (traditional) teaching compare to contemporary forms of teaching and instruction? Work with your partner to describe the differences and similarities as well as you can.

23. Tell a story to your class from your own life and try to bring it to life so that students will remember it. After each story, listeners should recount what they remember about the story on a piece of paper and hand it in to the storyteller. Examine how well students understood your story. What does this tell you about the skill needed to transmit oral history so that other people will recall it accurately?

24. Hold a mock self-government negotiation. Divide your class into groups that represent the federal government, provincial or territorial government, and a First Nations, Métis, or Inuit community or organization. The type of Aboriginal group you choose will determine the kind of negotiation that will take place. For example, is the discussion about increasing a single nation's powers or inserting a clause into the constitution? Your teacher can help you set the class focus.

    Each group should research its position thoroughly. Consider the demands other groups will likely make, and be prepared to be flexible on your own demands. As a group, reach consensus about what rights or powers you most want to achieve or protect.

Going Further

25. How would self-government negotiations be different today if the right to self-government had been enshrined in the constitution? Would more communities have self-government? Explain your answer.

26. Instead of working for Aboriginal rights through an Aboriginal political organization, some Aboriginal people choose to participate in Canadian parliament. Two such people — James Gladstone and Ethel Blondin — are shown on this page. Research the names of all Aboriginal peoples who have ever served in parliament. What constituents did they represent? How can Aboriginal people make a contribution to the Canadian political system? How can they make a contribution to their own communities through this political system? How are their contributions different from people who work through Aboriginal political organizations? What goals are likely the same?

LOOKING BACK

Look back to the photograph of the mace on page 77. Imagine that you have been assigned the job of creating a mace for a First Nations, Métis, or Inuit community that has just signed a self-government agreement. Design your mace on paper with an explanation of the symbolism you plan to use. Build a model of the mace.

In 1958, Kainai First Nation member James Gladstone became the first Aboriginal Senator in Canada's parliament. He was instrumental in helping Aboriginal people receive the right to vote in Canadian elections.

In 1988, the Honourable Ethel Blondin-Andrew became the first Aboriginal woman to be elected to the House of Commons. She was elected as a Member of Parliament for the Western Arctic and was re-elected for a fifth term in 2004.

CHAPTER FOUR

Land Claims

AS YOU READ

The reading that begins this chapter is from a speech that marked the end of a long struggle for one First Nation in Canada. Nisga'a leader Dr. Joseph Gosnell delivered the speech in the British Columbia Legislature in 1998, more than one century after the Nisga'a first petitioned the B.C. and federal governments to recognize their land rights and negotiate a treaty.

Dr. Gosnell's speech and the land-claim settlement made news around the world.

Much has changed since the Nisga'a first presented their land claim. Governments and Canadian society have shown growing empathy for Aboriginal issues, increased respect for Aboriginal cultures, and a desire to resolve outstanding claims to land and other Aboriginal rights.

As you read this chapter, think about the different kinds of land-claims issues facing First Nations, Métis, and Inuit peoples. How are these issues a result of each group's unique history?

FOCUS QUESTIONS

As you read this chapter, consider these questions:

- Why are land claims important to many Aboriginal groups?
- In what ways do Aboriginal peoples value land and land claims?
- What are different types of land claims recognized by the federal government?
- What are different methods for resolving land claims?
- How is self-government related to land claims?
- Governments and various groups of non-Aboriginal and Aboriginal peoples have often viewed Aboriginal land rights differently. What ideas and experiences have shaped their perspectives? How have their perspectives changed over time?

Speech to the British Columbia Legislature

By Dr. Joseph Gosnell

Madame Speaker, Honourable Members, ladies and gentlemen.

Today marks a turning point in the history of British Columbia. Today, Aboriginal and non-Aboriginal people are coming together to decide the future of this province.

I am talking about the Nisga'a Treaty — a triumph for all British Columbians — and a beacon of hope for Aboriginal people around the world.…

A triumph because, under the Treaty, the Nisga'a people will join Canada and British Columbia as free citizens — full and equal participants in the social, economic, and political life of this province, of this country.

A triumph because, under the Treaty, we will no longer be wards of the state, no longer beggars in our own lands.

A triumph because, under the Treaty, we will collectively own about 2000 square kilometres of land, far exceeding the postage-stamp reserves set aside for us by colonial governments. We will once again govern ourselves by our own institutions, but within the context of Canadian law.

It is a triumph because, under the Treaty, we will be allowed to make our own mistakes, to savour our own victories, to stand on our own feet once again.

A triumph because, clause by clause, the Nisga'a Treaty emphasizes self-reliance, personal responsibility, and modern education.…

A triumph, Madame Speaker and Honorable Members, because the Treaty proves, beyond all doubt, that negotiations —

not lawsuits, not blockades, not violence — are the most effective, most honourable way to resolve Aboriginal issues in this country.

A triumph that signals the end of the Indian Act — the end of more than a century of humiliation, degradation, and despair.

In 1887, my ancestors made an epic journey from the Nass River here to Victoria's inner harbor.

Determined to settle the land question, they were met by a premier who barred them from the legislature....

Like many colonists of the day, Premier Smithe did not know, or care to know, that the Nisga'a is an old nation, as old as any in Europe.

From time immemorial, our oral literature, passed down from generation to generation, records the story of the way the Nisga'a people were placed on Earth, entrusted with the care and protection of our land.

Through the ages, we lived a settled life in villages along the Nass River. We lived in large, cedar-planked houses, fronted with totem poles depicting the great heraldry and the family crests of our nobility. We thrived from the bounty of the sea, the river, the forest, and the mountains.

We governed ourselves according to Ayuukhl Nisga'a, the code of our own strict and ancient laws of property ownership, succession, and civil order....

But there were dark days to come.

We took to heart the promises of King George III, set out in the Royal Proclamation of 1763, that our lands would not be taken without our permission, and that treaty-making was the way the Nisga'a would become part of this new nation.

We continued to follow our *ayuukhl*, our code of laws. We vowed to obey the white man's laws, too, and we expected him to obey his own law — and to respect ours.

But the Europeans would not obey their own laws, and continued to trespass on our lands. The king's governments continued to take our lands from us, until we were told that all of our lands had come to belong to the Crown....

Still, we kept faith that the rule of law would prevail one day, that justice would be done....

In 1913, the Nisga'a Land Committee drafted a petition to London. The petition contained a declaration of our traditional land ownership and governance and it contained the critical affirmation that, in the new British colony, our land ownership would be respected. In part the petition said

> We are not opposed to the coming of the white people into our territory, provided this be carried out justly and in accordance with the British principles embodied in the Royal Proclamation. If, therefore, as we expect, the Aboriginal rights which we

The Nisga'a Treaty, which Dr. Joseph Gosnell helped negotiate, was the first in modern British Columbia history. Dr. Gosnell is shown here standing outside the legislature building in Victoria, British Columbia.

This Nisga'a longhouse is in New Aiyansh, British Columbia, where the Nisga'a Treaty was initialled. What animals are represented on the longhouse? What do you think their presence says about the Nisga'a relationship to the land and its resources?

> claim should be established by the decision of His Majesty's Privy Council, we would be prepared to take a moderate and reasonable position. In that event, while claiming the right to decide for ourselves, the terms upon which we would deal with our territory, we would be willing that all matters outstanding between the province and ourselves should be finally adjusted by some equitable method to be agreed upon which should include representation of the Indian Tribes upon any commission which might then be appointed.…

Sadly, this was not to be the case.…

How the world has changed. Two days ago and 111 years after Smithe's rejection, I walked up the steps of this legislature as the sound of Nisga'a drumming and singing filled the rotunda. To the Nisga'a people, it was a joyous sound, the sound of freedom.

What does "freedom" mean? I looked it up in the dictionary. It means "the state or condition of being free, the condition of not being under another's control; the power to do, say, or think as one pleases."…

People sometimes wonder why we have struggled so long to sign a treaty?…

To us, a treaty is a sacred instrument. It represents an understanding between distinct cultures and shows respect for each other's way of life. We know we are here for a long time together. A treaty stands as a symbol of high idealism in a divided world. That is why we have fought so long, and so hard.

I have been asked, has it been worth it? Yes, a resounding yes. But, believe me, it has been a long and hard-fought battle. Some may have heard us say that a generation of Nisga'a men and women has grown old at the negotiating table. Sadly, it is very, very true.…

We have worked for justice for more than a century. Now, it is time to ratify the Nisga'a Treaty, for Aboriginal and non-Aboriginal people to come together and write a new chapter in the history of our nation, our province, our country and indeed, the world.

The world is our witness.

Be strong. Be steadfast. Be true.

REFLECTION

1. What adjectives would you use to describe the tone of Gosnell's speech? What words and phrases contribute to this tone?
2. What features of self-determination does he highlight?
3. Find examples in this speech that demonstrate the Nisga'a people's approach to land-claims issues. What does this approach reflect about their culture?

The Value of Land

Many Canadians, both Aboriginal and non-Aboriginal, feel a strong connection to land. Farming families, for example, often become emotionally attached to their land, particularly when a farm is passed from generation to generation. The longer people spend in one location and the more their lives revolve around the land and its natural life cycles, the stronger the bond becomes.

Modern society, however, has become very mobile. People are less likely to put down roots. They are also less likely to make their living directly from the land. To many people, land has become a commodity — something to be bought and sold. It has monetary value and practical uses, but little hold on their hearts and spiritual identities.

In contrast, land lies at the very soul of traditional First Nations and Inuit political, economic, social, cultural, and spiritual ways of life. According to the oral tradition, the land is physically and spiritually a part of people. It is part of their identity as humans. Teachings from the oral tradition maintain that the land has sustained humans, plants, and animals for thousands of years and will sustain them in the future. People care for the land and it cares for them in return, in a reciprocal relationship of giving and taking.

Many Métis people hold similar ideas, although in general their cultural connection to land relates more to political, economic, and social pursuits rather than spiritual beliefs.

AS YOU READ

As you learned in Chapter Two, traditional First Nations and Inuit cultures were tied to the land and its resources. The land had value in complex ways that intersected with virtually every aspect of life, including spirituality.

Today, First Nations, Métis, and Inuit peoples in Canada are surrounded by value systems that frequently see the land in a different light. A value system is a set of standards or qualities considered desirable.

How might a resource company value the land? What about urban dwellers, a farmer, a national park conservation officer, and an environmental activist? How might these people's values compare to traditional Aboriginal values? How do they compare to your own values?

This section examines various First Nations, Métis, and Inuit cultural values regarding land as a way to understand why land claims play a central role in many Aboriginal people's aspirations. The values discussed represent general cultural beliefs, but do not represent the beliefs of all Aboriginal individuals by any means. As you read pages 111–117, consider how you value land. Are you connected to a particular reserve, settlement, or other place on the land? What experiences created this connection?

But nobody really owns land. This teaching is passed on from the Elders. There is only one owner and he is not a human being. He is the one who owns the land and we are here to live together and share the land.

— Wilf Tootoosis, Saulteaux,
In the Words of Elders: Aboriginal Cultures in Transition

Native people did not feel ownership of land or homes, they felt the responsibility of preserving it through caring for it. They maintained the area for future use and productivity. Land was a shared, living entity.

— Twylah Hurd Nitsch, Seneca,
In the Words of Elders: Aboriginal Cultures in Transition

ECONOMIC VALUE

In non-Aboriginal society, the most prevalent value attached to land is economic. This value is what the land or its resources can be bought or sold for on the open market. In this sense, land value can be quantified in dollars. An individual must own land in fee simple to take full advantage of this kind of land value. This does not mean they have to sell it. People who own land can use it as a security to borrow money. They can then invest that money in ways that generate income.

The Nakoda First Nation operates Nakoda Lodge, a hotel, restaurant, and conference facility that makes use of the First Nation's prime land in the Rocky Mountains to create economic benefits for the community. What other First Nations or Métis ventures can you name that use land to create economic benefits for their communities?

From an Aboriginal worldview, land is also economically valuable. It provides a place for people to make a living, in both traditional and non-traditional ways. Hunting, fishing, and trapping still play a role in many Aboriginal people's lives. Without a land base and access to unoccupied Crown lands, many of these ways of life would be impossible.

An Aboriginal sense of economic value is inherently sustainable. Land is so much a part of other aspects of life that traditional Aboriginal people would no more destroy the land than they would destroy themselves. The end goal is the maintenance of a way of life and the community.

This is not to say that Aboriginal peoples today do not wish to take advantage of the revenue that can be generated from land. Forestry, energy, and mineral resources contribute to the prosperity of many Aboriginal communities. A wide range of other industries — from agriculture to tourism — also require land.

Aboriginal communities generally pursue such opportunities as a way to re-invest money in the

> **The one thing we have to be sure of is, our people have always lived off the land. Now define living off the land in today's terms. Today's terms would mean that if we are entitled to live off the land, as per agreement with Treaty No. 8 in this area, the definition has to change, today, because we cannot survive on the trapping and hunting economy. What else does the land provide: It provides trees, which should belong to the Native people, not to Japanese companies. The Athabasca District, this area has more stuff, minerals, oil and gas than the rest of the world. There are only 4000 of us Indians, maybe, in this whole area. They could pay us off a million dollars a day, a month and still have lots of profits for themselves. So that is what we have to push for. If people have to live off the land, we have to have some control of surface and sub-surface rights.**
>
> — Roland Woodward, *Inkonze: The Stones of Traditional Knowledge*

community to strengthen it. Development is done carefully, with an eye to future generations and their needs.

CULTURAL VALUE

Aboriginal cultures are deeply connected to land. Aboriginal people's stories, histories, and traditions are tied to the land of their ancestors. By maintaining a link to that land and its resources, Aboriginal people can retain a connection to their culture.

For example, in the Métis culture, land means freedom and autonomy — it is a means to an end. It is what their people have demanded as their right throughout their history as a nation. Land is associated with an independent way of life that is inextricable from other cultural values.

In addition, land strengthens cultures and provides for their future. A common land base encourages people to live near one another and maintain elements of their culture, such as ceremonies, kinship ties, and language.

SPIRITUAL VALUE

For many First Nations and Inuit peoples, the cultural value of land is intertwined with its spiritual value. Traditional First Nations and Inuit spirituality is not separate from other parts of life. Spirituality is involved in every aspect of life and in every part of the world.

Some First Nations people use the expression *Mother Earth* to express the sense that the land gave birth to the people and nourishes them. In return, the people must respect, nurture, and protect the land, as they would a mother. Land is an integral part of a person's identity.

The Keewatin Career Development Corporation helps co-ordinate the programs of career development agencies from northern Saskatchewan. At the organization's summer camp, pictured here, Charlotte Sylvestre gets ready to show students from Descharme Lake, Saskatchewan, how to make dried fish. Why might a career development organization have a program that teaches traditional pursuits, such as drying fish? Of what value is land to a program like this?

The land's spiritual value is sometimes tied to a specific piece of land. A particular location may be the place of traditional ceremonial gatherings, such as the Sundance. Another might be an ancestral burial ground or a site known for spiritual power.

Métis culture is more associated with Christian religions, such as Roman Catholicism, so it has less of this sense of spiritual connection to land. However, some Métis people may feel a strong bond to the spirituality of their First Nations ancestors and relatives. If they do, they may share these spiritual connections to land.

> **The day of my birth I was helpless and my mother took care of me.... The Northwest is also my mother, it is my mother country.... I am sure that my mother country will not kill me any more than my mother did forty years ago when I came into the world, because a mother is always a mother, and even if I have my faults, if she can see I am true she will be full of love for me.**
>
> — Louis Riel

At the Turton Lake Trapping School in the Northwest Territories, 120 kilometres from the nearest settlement, a group of Dene teens spends the winter trapping marten and beaver, hunting geese, fishing — and hitting the books. Here students at the school are shown holding furs at the Fur Harvesters Auction House in North Bay, Ontario. How does this program demonstrate the educational value of land?

EDUCATIONAL VALUE

For countless generations, First Nations and Inuit peoples passed on their traditional knowledge through everyday teaching. Children collected plants with their parents, learning what each one was used for. They listened to Elders tell stories about their ancestors, often while working alongside them on the land. An uncle might teach a nephew how to set a snare, or a grandmother might guide her granddaughter's hand as she learned to prepare a buffalo hide. Education was informal and part of everyday life on the land.

People observed the natural world around them and were accustomed to reading its signs of weather, seasonal change, and animal activity. People observed and experienced natural laws at work — such laws showed the hand of the Creator, which reinforced spiritual beliefs. Experienced people in the community modelled behaviour that showed respect for these laws. Knowledge and values were conveyed at the same time.

Today, students in many Aboriginal-run schools learn traditional knowledge and values as part of their overall education. As in the past, learning happens inside and outside the classroom.

Having a land base has another important educational value — it facilitates Aboriginal language use and preservation. People are encouraged to learn and use traditional languages if other people living around them speak those languages.

SOCIAL VALUE

Land has a significant social value. It provides an anchor and focal point for Aboriginal communities — it is home. It provides the location for social gatherings and spiritual ceremonies — virtually all of which traditionally take place in natural settings, using natural materials. Such gatherings reinforce a sense of community, feelings of belonging, a sense of identity, and self-esteem.

POLITICAL VALUE

The economic, social, cultural, spiritual, and educational values of land intersect with land's political value. Aboriginal leaders see land as an important component of self-government and self-determination. Land provides a springboard from which to work politically to meet community needs. Aboriginal peoples can work within or alongside the Canadian political system to ensure the success of their communities.

Indigenous Knowledge

Using old magazines and newspapers, create a collage that represents your own ideas about and values surrounding the land. Your collage can use photographs, headlines, writing, paint, crayon, fabric, and even natural materials you collect from outside. Think about how your experiences with the land (or lack of experiences) have shaped your ideas and values.

PROFILE

LAUNA LOYIE

Paddle Prairie Métis Settlement

For someone who loves the land as much as Launa Loyie does, becoming an environmental technologist was a real eye-opener.

Her mother, a traditional Cree woman, taught Loyie that there are repercussions to everything humankind does to the land. Now Loyie understands exactly what her mother meant.

"After some research on the Athabasca River, I realized that there are five to seven pulp mills and several municipalities that discharge waste into the river. There are also timber operations near the river. These activities cause temperature disturbances that upset the delicate balance of aquatic life. From the headwaters of Jasper to the Athabasca basin, a 1231-kilometre journey, the people of Fort Chipewyan are surrounded by water that is not as healthy as it once was," explains Loyie.

In 2000, the thirty-two-year-old single mother returned to school to complete a two-year environmental technology program at Fort McMurray's Keyano College.

"Most students found they didn't like being out in the heat and cold, sun and rain, to conduct field research. But I grew up on a farm picking roots in the fields. My father hunted and we grew a big garden. We chose to live without electricity or running water for years, and I hated it. I'd say to my parents, 'This is the twentieth century. Why can't we live like everybody else?' But now I look back and I'm glad for those times. I can function without amenities better than most people my age."

In high school, Loyie had a penchant for sciences, and considered becoming a nurse. "But with the cutbacks and the work schedules in hospitals — double shifts and night shifts compromising the health of the staff — I decided on a career in environmental technology."

Originally from Keg River, Alberta, Loyie now works as an environmental monitor for the Paddle Prairie Métis Settlement. Her job is to ensure that oil and gas extraction on settlement land complies with environmental protection standards.

Loyie enjoys performing chemical analysis of air, soil, and water, but the results of her work are sometimes discouraging.

"From what I see, in general, it seems we are taking a lot more from the environment than we are reclaiming," she observes.

On the other hand, she counters, new companies continue to learn more about protecting the environment from their own research and from other companies that have been operating longer than they have. Innovation may be the key to restoring environmental health.

Launa Loyie

REFLECTION

How do Loyie's work and concerns reflect her heritage? What qualities make her good at her job? Write about your own career or work plans.

THE VALUE OF LAND

Elders possess generations of knowledge about traditional values and how they can be understood and used today. The reading on pages 116–117 includes Russell Willier's ideas about the importance of land and traditional land management techniques. Willier is a well-known Alberta Elder from the Sucker Creek Reserve in Alberta. Authors David Young, Grant Ingram, and Lise Swartz spent time with Willier to write *Cry of the Eagle: Encounters with a Cree Healer*. In the excerpt on page 117, the authors describe Willier's reasons for wanting a section of the Swan Hills [in Northern Alberta] designated as a retreat for Aboriginal peoples. Read the excerpt and then discuss Willier's ideas or your own about Aboriginal land management techniques and how they can contribute to Aboriginal and non-Aboriginal societies today.

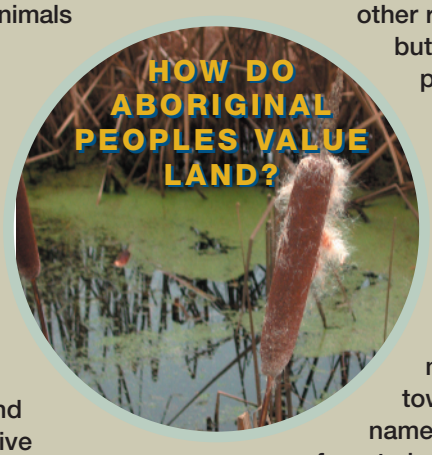
You may wish to invite an Elder to your class to facilitate your talking circle. If you do so, be sure you use proper community protocol to issue the invitation. Your teacher will help you with this.

Russell Willier

What I can't understand is when they go logging in the Swan Hills or Hinton area, they leave the land next to broke; there are no trees there, no roots, herbs, nothing. Why don't they put the farmers there, since it's already cleared and wasted land anyway? They should put the farmers where the loggers have already done the damage. Then they try to plant little trees there. Why don't they just cut down and drag out the big trees they need without uprooting the entire area? If they left the smaller trees, the wind wouldn't knock them down and the trees would re-grow a lot faster. Even if the government says people and jobs come first, they still have to have respect for nature, because in the long run it works against people. They can't see the future. There's a lot of damage being done to the environment that should be discussed in order to realize what's happening to our country here. We call it the blessed country, but it is sure to go back to rock in no time. I might not see that, but our great-grandchildren will.

— Russell Willier, *Cry of the Eagle: Encounters with a Cree Healer*

This land [part of the Swan Hills] is in the centre of the area traditionally used by natives for vision-quest purposes. Logging is being done nearby, and Russell is concerned that the vision-quest sites may soon be ruined. Russell would like to continue to have a place to take young people for a wilderness experience that would include instruction in the vision quest, survival skills, the Sweetgrass Trail, and other traditional native skills and knowledge. He would also like to instill in native young people traditional values connected with hunting, particularly a respect for the animals and a responsiveness to the delicate balance of nature. This means teaching them to exercise control over the numbers of animals killed, to vary the seasons and places in which animals are hunted, and to obey the fishing and hunting regulations....



It is important that more native people become Fish and Wildlife officers. This would give them the authority to discipline those few who create problems for everyone, and they would likely have a better understanding of native needs and environmental issues. As Russell says, his ancestors have been hunting in this area for many centuries while maintaining long-term ecological balance. Experienced hunters had a vast knowledge of the resources of the land and the changing conditions of game populations. Their hunting practices were characterized by their willingness to exercise self-control. Even today, successful hunters who exhibit competence, skill, and spirituality, and who do not hunt excessively, are respected and are often contrasted with those who hunt recklessly.

REFLECTION

How do Russell Willier's ideas about the land demonstrate traditional values? How do his ideas compare to those of James Carpenter on pages 76–77?

Russell sees a great deal of waste of animal remains that could be used to regenerate wildlife. Most big-game hunters dispose of moose remains and other large animal intestines by throwing them in the dump. They should be required to leave the remains behind in the forest or bring them to the trapline where other animals can eat them. This is particularly important for large, commercial fisheries. Although fisheries located on Lesser Slave Lake are regulated by quotas set by the government, their means of disposal of fish-heads and other remains is not only wasteful, but also destroys wildlife. The present practice is to dump the remains in a large hole, which is then covered with lye. An animal that comes along and eats the remains dies of lye poisoning. This, says Russell, is representative of the wrong attitude that many non-natives have developed towards the environment, namely "grab, make a dollar, and forget about the rest." Fisheries make considerable profits from their catch, and there are enough fish remains to feed many local animals. Dispersing these remains in areas where animals are starving should be mandatory. This would create jobs for native people in northern Alberta, where there is much unemployment.

— David Young, Grant Ingram, and Lise Swartz, *Cry of the Eagle: Encounters with a Cree Healer*

LOOKING BACK

Create a concept map that shows how the settlement of land claims could bring about political, economic, social, cultural, educational, and spiritual self-determination for Aboriginal peoples. In what aspect might you expect Métis culture to differ from those of First Nations and Inuit peoples? Why?

Land-Claims History

AS YOU READ

Through land claims, Aboriginal peoples assert many of their rights as indigenous peoples in North America. Claiming land rights is akin to claiming rights to culture and self-determination. Through land, groups are often better able to ensure their cultures' future.

Pages 118–121 explore the early history of land claims in Canada. Review the major concepts you have read about in the textbook so far, such as Aboriginal rights, Aboriginal title, inherent rights, land rights, treaty rights, self-determination, self-government, and sovereignty. Make a list of these concepts and be sure you understand each. As you read, consider how these ideas relate to land claims. Make notes each time you see a connection between what you are reading in this section and what you learned earlier.

THE HISTORICAL ROOTS OF LAND CLAIMS STRETCH BACK TO THE ROYAL PROCLAMATION OF 1763. THE PROCLAMATION RECOGNIZED ABORIGINAL TITLE TO THE LAND AND ESTABLISHED THE CROWN'S EXCLUSIVE RIGHT TO negotiate the "extinguishment" of that title.

Over the next century and a half, the government and many First Nations signed treaties. In the government's view, these gave the Crown ownership of Canada. In return, the Crown promised to reserve land for the First Nations and to provide them with payments of cash and goods, ongoing support in areas such as education, and continued traditional use of the lands covered by treaties.

Gkisedtanamoogk, of the Wabanaki First Nation from Burnt Church, New Brunswick, participates in a land-claims demonstration outside the Supreme Court on June 21, 2001. Protestors laid hundreds of blankets on the lawn. What statement do you think the protestors were trying to make with the blankets?

Large areas of the country, along with the many people living there, were completely left out of the treaty process. For example, no Métis or Inuit groups signed any treaties. Some First Nations were also left out. Many of these groups argue that they still hold legal title to their traditional lands. Even groups that did sign treaties sometimes contend that the government failed to honour its obligations, or to uphold promised land rights.

Through land-claims negotiations, Aboriginal groups and governments (both federal and provincial) try to resolve these disputes.

The Royal Proclamation of 1763 continues to loom large in Canada today. When Canada patriated its constitution in 1982, Aboriginal peoples made sure the constitution protected their rights as affirmed by the Royal Proclamation.

THE NISGA'A NATION PETITION

When British Columbia became a province in 1871, the federal government planned to aggressively pursue treaties there, just as it had across the prairies. But B.C.'s first lieutenant-governor, Joseph Trutch, had other ideas. He did not believe that First Nations had land rights and advised Canada's prime minister,

Nisga'a Chief Israel Sgat'iin, shown here in a robe of silver-tipped grizzly bear, was a staunch defender of his nation's traditional lands. In 1886, he had two government surveyors "escorted" out of the Nass Valley. "These are our mountains and our river," he reportedly said.

John A. Macdonald, not to pursue treaties in B.C.

The Nisga'a Nation of northwestern B.C. has spearheaded Aboriginal land-rights activism in Canada. In the 1880s, the Nisga'a sent delegations to Ottawa and Victoria to defend their land rights, but got no response. In 1890, they established the Nisga'a Land Committee to defend their interests.

In 1913, the committee sent a formal petition to the British government. The petition argued that the Nisga'a had never surrendered their land under the terms of Britain's Royal Proclamation of 1763. It called for negotiations.

The petition marked an important event in Canada's history: the first time a First Nation used European law to argue for its rights. However, the British government referred the problem back to Canada's government — and little happened.

LAND CLAIMS: A LOADED TERM?

In the Cree language, a land claim is described as *kâwi ta tipeyihtamihk askiy* (to own the land again). In Blackfoot, a land claim is *iihtai'tsskao'pistsi ksaahkoistsi i'tomootspistsi* (fighting for lands that were taken away from us.) However, many Aboriginal peoples reject the term *land claims*. They see land as their inherent Aboriginal right, not something they need to claim and defend.

That said, land claims are an historical, political, and legal reality in Canada. The term has widespread use, even among those who reject its validity. By using it in this book, we do not intend any negative reflection on Aboriginal beliefs or aspirations.

> **... [T]he term "Land Claim" is itself both a misleading title and an insult to First Nations. If there is any doubt as to ownership, the benefit of the doubt must go to the original owners — the First Nations. Why should we have to claim our own lands? The burden of proof of legal title or interest in First Nations lands must rest with Canada.**
>
> — Six Nations of the Grand River Territory, "Inadequacies of the Federal Land Claims Policies"

REFLECTION

What is your opinion of the term *land claim?* Do you agree with the perspective of the Six Nations of the Grand River Territory? Explain your answer.

LAND CLAIMS AND THE INDIAN ACT

In terms of land claims, the 1876 Indian Act has had two lasting effects. In the act, the federal government made itself the arbiter of who qualified as a Status Indian. For years, the federal government

refused to recognize land claims from anyone except Status Indians. This disqualified Inuit people, Métis people, and First Nations people without status under the Indian Act.

The Indian Act also established roadblocks for First Nations people who qualified to submit land claims. For example, in 1927, partly in response to the Nisga'a petition, the federal government amended the act to make it illegal for First Nations to raise money to pursue land claims. This restriction remained in place until 1951.

THE CALDER CASE

After 1951, revisions to the Indian Act meant that First Nations could once again organize to pursue land rights. In 1955, the Nisga'a re-established their land committee, re-naming it the Nisga'a Tribal Council.

In 1967, the council launched a court battle that became known as the Calder case, named after council president Dr. Frank Calder. The Nisga'a contended that they still held legal title to their traditional lands, since they had never signed a treaty. Their case went all the way to the Supreme Court of Canada. However, the court could not reach consensus on the validity of the Nisga'a claim and ended up rejecting it on a technicality.

In its ruling, however, the court declared that, in the absence of an agreement in which the Crown explicitly stated its intention to extinguish title to land, Aboriginal peoples could still hold rights to land and resources. This meant Aboriginal title legally pre-existed any declarations by the Crown regarding sovereignty.

CEDED AND NON-CEDED LANDS: WHERE ARE THEY?

Treaties cover many parts of Canada. The Canadian government generally considers these areas **ceded lands** — given up by First Nations. In the government's view, this was the point of treaty making and in keeping with the intentions of the Royal Proclamation of 1763.

Many First Nations believe, however, that their ancestors did not understand that treaties were aimed at ending their Aboriginal title and rights to land. They believe that their ancestors saw the treaties as agreements to share some of their land for certain purposes, such as agriculture, while retaining inherent rights to the land. They also argue that, according to oral tradition, the written treaties fail to accurately reflect important verbal agreements that were part of the negotiations. In their view, First Nations have never given up Aboriginal rights to their lands.

A large part of Canada remains outside any treaty. These are **non-ceded lands**, areas Aboriginal peoples never made agreements to share. These lands include some of Canada's most remote regions, which have not experienced the pressures of settlement and development like those that triggered treaty making in other parts of Canada.

These lands also include most of British Columbia, which includes some of Canada's most populated urban centers. British Columbia is an exceptional case in Canada and an important focus of this chapter.

REFLECTION

Using a blank map of Canada, block out the territory covered by Canada's historic treaties. These treaties are shown on a map on page 25. As you work through this chapter, continue to block out territories covered by land-claims agreements. Use different colours for historic treaties and modern treaties.

The Calder case is the first of many significant court cases First Nations have used to support their rights claims. This photograph shows Nisga'a leader Frank Calder speaking to media after a meeting in 1973 with Prime Minister Pierre Trudeau and Minister of Indian Affairs Jean Chretien.

As a result, the Calder case was far from a defeat for Aboriginal land rights. Before the Calder ruling, the federal government held the position that Aboriginal title did not exist as a legal concept. This allowed it to turn a blind eye to Aboriginal land rights in large sections of the country. The Supreme Court's recognition of Aboriginal title required new respect for Aboriginal land claims — and a new commitment from governments to settle them. Governments could no longer claim exclusive authority to make decisions concerning Aboriginal lands.

In 1973, the federal government announced a revised land-claims policy, and the following year it created the Office of Native Claims, which could, for the first time, negotiate land-claims settlements based on unextinguished Aboriginal title. The meaning of this development is the topic of the next section, pages 122–134.

LOOKING BACK

Re-read Dr. Joseph Gosnell's speech from pages 108–110 and write in your journal about the significance of the Nisga'a land claim to other Aboriginal land claims in Canada.

THE EVOLUTION OF FEDERAL POLICY ON ABORIGINAL LANDS

1763 Royal Proclamation recognizes Aboriginal title to land in the West and gives the Crown the exclusive right to negotiate the extinguishment of Aboriginal title

1876 Indian Act forbids selling or leasing reserve land to any group except the Crown

1889 Indian Act revision gives the federal government more control over management of reserve land, including the ability to lease reserve land over band council objections

1913 Nisga'a petition is the first land claim in Canadian history

1927 Indian Act revision makes it illegal for First Nations to hire a lawyer (without the government's permission) to pursue claims against the federal government

1951 Indian Act revision removes restriction on First Nations legal action against the federal government

1967 Nisga'a Tribal Council sues the federal government in what became known as the Calder case

1973 Supreme Court ruling on the Calder case finds that Aboriginal title exists in Canadian and Aboriginal law

1974 Federal government launches the Office of Native Land Claims

1981 *In All Fairness: A Native Claims Policy* gives more flexibility to land-claims negotiators

1982 Constitution Act recognizes Aboriginal rights and gives modern land-claims agreements the same protection as treaty rights

1985 Coolican Report criticizes the federal government's policy of requiring the extinguishment Aboriginal title and rights in land-claims settlements

1986 Federal government revises claims policy and removes requirement that rights and title be extinguished in land-claims settlements

1990 Oka crisis results in changed attitudes towards many Aboriginal rights issues

1990 Federal government revises claims policy, removing six-claim limit on the number of claims it will negotiate at one time

1991 Federal government revises claims process to improve efficiency and creates the Indian Specific Claims Commission and the Indian Claims Commission to review land claims rejected by the federal government

1998 *Gathering Strength — Canada's Aboriginal Action Plan* affirms the federal government's understanding that treaties, both historic and modern, are a key basis for the future relationship between Aboriginal peoples and the Crown

First Nations Land-Claims Issues

AS YOU READ

First Nations with status under the Indian Act often have different perspectives on land issues and land claims than other Aboriginal peoples. Status First Nations people also differ from one another in these perspectives, but they tend to share many key concerns. Different perspectives are the result of different histories, cultures, and current political and economic situations in Canada. This section deals with the land-claims process and the issues affecting First Nations land claims. As you read, make a list of key issues that affect these land claims. What makes some claims easier to resolve than others? What approaches seem to work best in settling claims?

Aboriginal groups launch land claims when they believe they are entitled to more land than they have. Indian and Northern Affairs Canada defines two main types of land claims:

- **Comprehensive land claims** flow from Aboriginal rights and title that, like the Nisga'a territory, have never come under treaties or other legal agreements. The settlement of a comprehensive land claim is considered a modern-day treaty.
- **Specific land claims** arise when First Nations believe the government has not properly fulfilled treaty or other legal obligations.

OFFICE OF NATIVE LAND CLAIMS

In response to the Calder decision, the federal government launched the Office of Native Claims (ONC) in 1974. The ONC was to handle both specific and comprehensive land claims. Formation of the ONC represented a major step in the government's recognition of Aboriginal rights. However, government policy still sought to extinguish Aboriginal title to the land, rather than to share or accommodate it. In order to settle claims, Aboriginal groups had to agree to give up their Aboriginal title. The federal government wanted to achieve a degree of "certainty" that any settlements they reached would be final. They did not want to face additional claims in the future.

The ONC's first seven years resulted in only two successfully concluded comprehensive land claims, one with the James Bay Cree and one with the Naskapi in northern Quebec. In 1981, the federal government updated and expanded its land-claims policy in a document titled *In All Fairness: A Native Claims Policy*.

The new policy gave negotiators a bit more room to manoeuvre. They could now grant First Nations title to their own reserve lands and partial rights to other land — for hunting and fishing, for example. The policy also offered First Nations more authority to administer their own affairs, though it stopped short of full self-determination. The policy failed to address the needs of Aboriginal peoples without reserve lands.

Indigenous Knowledge

Review the excerpt from the Constitution Act on page 80 to find where modern land-claims agreements are mentioned. How does the constitution support the rights gained in historic and modern treaties?

In 1982, parliament enshrined Aboriginal rights in Section 35 of Canada's new constitution. Constitutional amendments in 1983 made it clear that modern land-claims agreements would have the same status as other treaties. Although Quebec refused to participate in the new constitution, it passed provincial legislation affirming these land rights.

THE COOLICAN REPORT

Some Aboriginal groups criticized *In All Fairness: A Native Claims Policy* for its continued emphasis on extinguishing Aboriginal title to lands outside reserves. They also felt that the government remained committed to assimilating Aboriginal peoples, rather than helping them preserve their societies and cultures.

In 1985, the federal government appointed a task force to re-examine the government's land-claims policy. The Task Force to Review Comprehensive Claims, headed by Murray Coolican, met with Aboriginal representatives across Canada. It recommended sweeping changes to federal policy in its report *Living Treaties, Lasting Agreements* — better known as the Coolican Report.

The report criticized the approach of the past as fundamentally flawed. This approach offered cash and reserves in exchange for extinguishing Aboriginal title. "To date," stated the document, "treaties and modern settlements have provided neither the finality desired by governments nor the guarantee for the future desired by Aboriginal peoples."

Many non-Aboriginal Canadians support Aboriginal land claims, often from principles of fairness and justice, echoing the Coolican Report's findings. In this photograph from 2003, singer-songwriter Bruce Cockburn asks Prime Minister Jean Chrétien to settle a land-claim promise the prime minister made to the Lubicon Lake Cree in 1993.

The report urged Ottawa to build "living," lasting partnerships with Aboriginal peoples, instead of limited, final settlements. Furthermore, it recommended that the federal government consider political, social, and cultural issues in negotiating land claims, in addition to economic issues.

In 1986, the federal government responded to the Coolican Report's findings by removing the requirement that land-claims settlements extinguish Aboriginal title. This change made it possible to settle several long-standing claims that had been hung up on this one requirement.

Aboriginal peoples have never accepted the notion that the price of their well being in the land of their ancestors was the abandonment of their cultural distinctiveness and special Aboriginal status. Through centuries of social and economic hardship and a sustained government policy of assimilation, their deep sense of Aboriginal identity has remained remarkably strong, and their communities have survived.

Canada still has an opportunity to make lasting agreements with Aboriginal peoples based on the recognition and affirmation of their Aboriginal rights and with respect for their unique and enduring place in Canadian society.

— *Living Treaties, Lasting Agreements* (Coolican Report)

THE LAND-CLAIMS PROCESS

To launch a comprehensive claim, an Aboriginal group must research its case and submit evidence to the federal government through Indian and Northern Affairs Canada (INAC). Specific claims in the western provinces go to Specific Claims West, which is the part of INAC responsible for settling specific claims in British Columbia, Alberta, Saskatchewan, Manitoba, and the Yukon.

The government then reviews the claim and decides if it has legal merit.

If the government accepts the claim, it begins negotiating with the Aboriginal group to settle it. Provincial or territorial governments participate as well, because the lands in dispute often fall within their jurisdictions.

If the government rejects a comprehensive claim, the Aboriginal group can ask the Indian Claims Commission (ICC) to review the decision. The ICC was created by the federal government in 1991. It is an independent body that can hold public inquiries into land claims rejected by the federal government. It also sometimes mediates in disputes between the government and Aboriginal groups. The Indian Specific Claims Commission (ISCC), also recreated in 1991, reviews issues surrounding specific claims.

If an ICC or ISCC review fails and the Aboriginal group wishes to continue their claim, it may have to file a lawsuit against the government. Court battles carry huge costs — potentially crippling to an Aboriginal group — and can take years. They also create winners and losers, a situation that can lead to frustration and confrontation. The federal government and most Aboriginal groups place a high priority on negotiating land claims whenever possible.

Comprehensive Claims

According to government guidelines, comprehensive claims must meet the criteria that follow:

- The Aboriginal group is, and was, an organized society.
- The Aboriginal group has occupied its territory since time immemorial. Its occupancy was "an established fact" when European nations asserted their claim on the territory.
- The Aboriginal group occupied the territory mostly to the exclusion of other organized societies.
- The Aboriginal group continues to use and occupy the territory for traditional purposes.
- The group's Aboriginal title and rights have not come under any treaty, or become restricted by other lawful means.

Comprehensive claims are highly complex. It can take years for all sides to reach a final agreement. In the first three decades of the government's claims policy — from 1973 to 2003 — only fifteen comprehensive claims reached resolution.

COMPREHENSIVE CLAIM: THE ALGONQUINS OF GOLDEN LAKE FIRST NATION

The Algonquins of Golden Lake First Nation put forward its comprehensive land claim in 1985, stating its claim to 3.6 million hectares in southeastern Ontario. Two historic treaties cover the region, but neither treaty involved the Algonquins of Golden Lake.

In 1772, just nine years after the Royal Proclamation of 1763, the First Nation sent its first petition to the Crown protesting the loss of its lands. More than two centuries later, in 1983, it delivered its twenty-ninth petition. In each document, the First Nation insisted that it had never surrendered its traditional lands and so it retains title to those lands.

It is safe to say that the Golden Lake claim posed fewer complications in 1772. Today, the area they claim includes one of Canada's largest military bases, CFB Petawawa. It also covers Algonquin Provincial Park and the entire National Capital Region — including Parliament Hill. More than one million people now live in the area, and 59 per cent of the land is privately owned.

The Ontario government began negotiations with the First Nation in 1991, and the federal government joined them in 1992. In 1994, the three parties issued a "Shared Objective" statement to give people a sense of where the talks might ultimately lead. Since then, the statement has served as a guide for the negotiations.

Of course, it is one thing to share an objective and it is another thing to reach it. Land-claims negotiations often involve a lot of stops and starts — sometimes with years in between. Nearly a decade after releasing the statement, the negotiators still had not begun to iron out the specific details of a final agreement. Even optimistic observers do not expect a settlement until 2009.

REFLECTION

What is happening with the land claim now? To find out, enter *Algonquin land claim* into an Internet search engine.

Shared Objective

…We are committed to achieving a just and equitable settlement of the longstanding claim of the Algonquins of Golden Lake First Nation, and in doing so, we intend

- **to avoid creating injustices for anyone in the settlement of the claim;**
- **to establish certainty and finality with respect to title, rights, and interests in the land and natural resources with the intention of promoting stability within the area and increasing investor confidence;**
- **to identify and protect Algonquin rights;**
- **to protect the rights of private landowners, including their rights of access to and use of their land;**
- **to enhance the economic opportunities of the Algonquins with the intention of also benefiting and promoting general economic and commercial opportunities in the area;**
- **to ensure that Algonquin Park remains a park for the appropriate use and enjoyment of all peoples;**
- **to establish effective and appropriate methods and mechanisms for managing the lands and natural resources affected by the settlement, consistent with the principles of environmental sustainability; and**
- **to continue to consult with interested parties throughout the negotiation process and to keep the public informed on the progress of negotiations.**

— Joint statement by the Government of Canada,
the Government of Ontario,
and the Algonquins of eastern Ontario

Algonquins of Golden Lake First Nation Claim Territory

In September 2003, the Siksika First Nation used oral history as evidence to present and settle a specific land claim with the federal government. The case involved a 1910 land surrender that left the Siksika First Nation with less land than it had been promised by the government. In this photograph, Minister for Indian and Northern Affairs Robert Nault is signing the agreement with Chief Stimson. The First Nation received $82 million in financial compensation — money that will be placed in a trust fund for future community projects.

Specific Claims

According to the federal government, reasons for filing specific land claims include

- unfulfilled treaty or Indian Act obligations, including unfulfilled treaty land entitlements
- illegal sale or expropriation of First Nations land
- failure to fairly compensate First Nations for land expropriated, sold, or damaged by the government
- mismanaged trust accounts or leases of reserve land to third parties

The history behind each specific claim is unique. In some cases, groups never received the land promised to them. For example, some First Nations never received reserves, even though they signed treaties that promised them.

> **I remember our head chief, when approached some years ago about surrendering his reserve, replied in this way. He bent down and plucked a handful of grass and, handing it over, said "This you can use." Then, bending down with his right hand, he picked a handful of earth and pressed it to his heart and said "This is mine and will always be mine for my children of the future."…**
>
> — Akay-Na Muka (James Gladstone), Kainai First Nation, in his first speech in the Senate on August 13, 1958

Some First Nations selected a reserve, but received too little land. The numbered treaties determined the size of reserves based on a per-person calculation. Sometimes First Nations had bigger populations than the government accounted for.

In contemporary times, some First Nations populations have grown, putting a strain on reserves originally allocated for fewer people. In addition to natural growth, some First Nations populations have expanded considerably because of people reinstated by Bill C-31 and other government actions.

From 1885–1918, the Canadian government actively pursued a policy of land expropriation to further its immigration drive and to build roads and railways. Under Clifford Sifton and then Frank Oliver, the office of the Superintendent of the Interior and Minister of Indian Affairs pushed many of its Indian agents to convince First Nations to surrender land. Some First Nations agreed or were forced to agree.

Many First Nations also lost land after World War I, when the government took over land to give to veterans.

Some First Nations lost these lands without any compensation. Others were compensated, but at less than market value. These piecemeal

losses add up to a lot of land: by the 1950s, Aboriginal peoples in Saskatchewan and Manitoba had lost almost one third of the land originally set aside for their reserves.

Specific land claims are more common than comprehensive claims. As of September 2003, according to Indian and Northern Affairs, 252 specific claims had been settled and 112 more were in negotiation. To help deal with the volume of claims, the government created a "fast track" process in 1991. This gave the Director General of the Specific Claims Branch the authority to settle any claims up to $500 000.

Despite some improvements to the process, many First Nations remain frustrated by the length of time it takes to settle claims, by the costs involved in pursuing claims, and by the growing backlog of claims waiting for review. The Assembly of First Nations estimates that it will take 150 years for the government to catch up, unless the process can be improved dramatically.

Issues for Investigation

RESEARCHING SPECIFIC LAND CLAIMS

On March 31, 1958, the Michel Band ceased to exist when the whole band was enfranchised under Section 110 of the Indian Act. As part of the government's enfranchisement policy, band members lost their reserve, which was about 24 kilometres northwest of Edmonton.

In 1985, descendants of these band members and their supporters formed a group called the Friends of the Michel and filed a specific claim with the federal government for "invalid surrenders of reserve land."

To what extent have First Nations in Alberta made gains through land claims?

WHAT TO DO

1. Using the library, Internet, and this textbook, research two land claims from Alberta. You may choose to find the status of the Michel Band's claim or one of the land claims that follow:
   - Lubicon Lake Cree Land Claim
   - Woodland Cree Settlement
   - Loon River Settlement
   - Nakoda (Stoney) Submission
   - Siksika (Blackfoot) Submission
   - Mountain Cree Submission
   - Blood-Cardston Claim
   - Peigan Nation Claim
2. Your research should investigate the main events and issues of each claim, including if, how, and when they were settled. If they are not settled, explain why. You might want to create a timeline of important events.
3. Examine each land claim in terms of the benefits or proposed benefits for the communities involved.
4. Create a PowerPoint™ presentation to explain each claim. Include graphics, such as maps or photographs. Your presentation should provide a summary comparison of the two claims and should be no longer than twelve slides.
5. Present your project to the class.

Thinking About Your Project

As a class, discuss the similarities and differences among the land claims presented.

Obstacles to Settlements

Fair settlements for land claims pose many challenges, such as assessing the precise entitlement, choosing lands, or agreeing upon fair compensation for lands. Third party interests must be accommodated. Third parties might be innocent people whose homes or businesses are on disputed land. Some third parties may even be other Aboriginal groups.

In addition, First Nations are forced to negotiate with a government that has relatively unlimited resources at its disposal. The system also puts the federal government in the awkward position of reviewing and validating claims made against itself. In the land-claims game, the government is both a player and the referee.

SASKATCHEWAN'S URBAN RESERVES

Some First Nations are finding innovative ways to develop their communities through agreements with provincial or municipal governments. Since the early 1980s, several First Nations in Saskatchewan have established urban reserves through agreements with municipal governments. Municipal governments have powers delegated from the provincial government.

The first urban reserve in Saskatchewan was the Opawikoscikan reserve — established in 1982 in Prince Albert by the Peter Ballantyne Cree Nation. This reserve, and others established later in Saskatoon, Yorkton, and Fort Qu'Appelle, is unlike urban reserves in other provinces. Most urban reserves began as rural reserves and became part of municipalities as a result of urban sprawl or annexation of lands by the municipality. In Saskatchewan, urban reserves are the result of First Nations communities buying land in municipalities and converting the land into new reserves.

The Peter Ballantyne Cree Nation settled a specific land claim in December 1993. It received $62.4 million, most of which was earmarked to purchase additional land. Since then, the First Nation has created many urban reserves that serve a variety of purposes, such as this school on the edge of Prince Albert, Saskatchewan.

Most urban reserve lands belong to First Nations that have other land bases outside the municipality. Some urban reserves were created by purchasing lands and buildings. Most were created from lands once owned by the federal government and given to First Nations communities to satisfy past treaty entitlements.

Urban reserves have the same legal status as rural reserves. In most cases, the First Nation with an urban reserve signs an agreement with the municipality that deals with law enforcement, taxation, and municipal services.

In recent years, some First Nations in other provinces have drawn up plans to create their own urban reserves. Many First Nations see them as a way to promote economic self-sufficiency by providing more diverse sources of income and employment for their members. In turn, this could lead to better self-governing possibilities.

REFLECTION

How might Saskatchewan's urban reserves be a model for other Aboriginal peoples as they pursue land claims and self-government goals?

PROFILE

JOE WEASEL CHILD

Siksika First Nation

For sixteen years, Joe Weasel Child, Land Claims Manager for the Siksika Nation of southern Alberta, has pressured the federal government to make good on its treaty promises.

After countless legal battles, delays, and legislative setbacks, is he ready to give up? Not by a long shot. According to Weasel Child, the victories along the way have been sweet, despite the many challenges.

"From the start, our leaders signed the treaty with false understanding. They were told they were signing a peace treaty and that Her Majesty the Queen wanted to set aside a place for them to live, protected from the Europeans coming into Canada," Weasel Child explains. "They signed Treaty Seven in 1877, but by 1892, our nation was already suffering relinquishment of land."

In the early 1900s, the First Nation's situation got worse. At this time, there was a general effort among Indian agents on the prairies to sell reserve lands. By the 1950s, half of the Siksika's 621.6 square kilometre parcel of land was sold — at half the fair market price.

The nation then lost another 10.7 hectares of prime land near Castle Mountain, not through a land sale, but through deceit. According to Weasel Child, "Since the prairie land we were initially given had no timber on it, we were given a parcel in the mountains so we could have wood for building houses. Later, we were told the land had burned."

If government officials thought this news would prompt the First Nation to give up ownership of the parcel, it was mistaken. For several decades, the Siksika Nation tried to have its ownership of the land formally recognized and protected by the government, but to no avail. Only recently have representatives of the Department of Indian and Northern Affairs and Parks Canada agreed to enter into negotiations to finally settle the matter.

Joe Weasel Child is being interviewed here in front of Castle Mountain.

The First Nation has had some success already with land claims. In 1992, mineral rights to a 4860-hectare parcel were restored to the Siksika Nation. In 1998, they settled three land claims, amounting to approximately 10 per cent of the land that had been sold. The nation still has an outstanding land claim for 46 575 hectares, along with claims for ammunition and livestock promised in 1879.

The loss of land has left the Siksika Nation, which has 6000 members, with an overcrowding and unemployment problem on their reserve.

"Today we have twice the population we had at treaty signing, but only half the land. That makes it tough for band members who would like to move back to the reserve. There is a four to five year backlog in housing here," says Weasel Child.

REFLECTION

In what ways did the Siksika First Nation lose sections of the reserve lands it was promised in Treaty Seven? What specific problem does Weasel Child identify as resulting from this land loss? Use proper community protocol to invite a local band council member to your class. Ask him or her to discuss how unfulfilled treaty promises affect his or her First Nation today or how resolution of a land claim has benefited the community.

SPECIFIC CLAIM: BIGSTONE CREE NATION

In 2001, the population of the Bigstone Cree Nation (BCN) in Alberta was approximately 5805. Most of the BCN's members now live in one of six main communities in northern Alberta.

In the nineteenth century, however, the Bigstone Cree lived in extended-family groups of two to five families each. These groups used a large territory in their circular seasonal migrations — a huge piece of what is now Alberta. These groups did not all have a sense of common political identity.

Bigstone Cree Nation Traditional Territory and Communities, 2004

In 1899, when government officials negotiated Treaty Eight at Wabasca, many First Nations participants had to put aside their traditional systems of political and social organization to meet the needs of treaty negotiations. Different groups were sometimes labelled as members of the Bigstone Cree, even if this label had nothing to do with traditional kinship ties or other alliances. This somewhat arbitrary grouping meant it took many years for the BCN to adjust and organize itself politically to negotiate effectively with the federal government.

A second problem affecting the BCN's treaty rights is that the government had no way of getting an accurate population count at the time of the treaty negotiation. The government met and negotiated with people who happened to be in the Wabasca area at the time.

Further complicating the situation, the federal government gave many First Nations the option of either taking treaty or taking scrip. People who took treaty became Status Indians. Those who took scrip gave up their treaty status and received scrip entitling them to either 240 acres (97.1 hectares) of land or $240 in cash. By 1901, 235 members of the BCN had taken treaty and 106 had received scrip.

At that time, few settlers showed interest in moving to northeastern Alberta. As a result, the treaty commissioners saw no need to set aside reserve lands right away. They decided to put off a formal land survey until later, when non-Aboriginal settlement began to interfere with traditional land use.

In 1913, the Department of Indian Affairs finally surveyed land for a reserve. In the meantime, more people had come forward to join the BCN or to accept scrip. Many people in outlying areas, however, did neither. They simply carried on with their traditional lives, hunting and trapping.

In the 1920s and 1930s, fur markets declined. Many of those who had not felt any need to take treaty now came forward. These groups were added as adhesions to the population of the BCN, again without consideration of natural alliances and kinship patterns.

It became increasingly clear that the size of the 1913 reserve could not accommodate the BCN's population. In 1925, leaders began to request additional reserve land. In 1937, the Department of Indian Affairs ruled that the BCN was entitled to an additional 11 585 hectares, but for some reason only a portion of this land was set aside for them.

More than half a century later, in 1989, the BCN filed a specific land claim. It argued that the 1913 and 1937 surveys both failed to provide enough land for the group's actual population.

In the BCN's view, the government never fulfilled its treaty obligations. Furthermore, the claim argues, any effort to correct the treaty land entitlement should take into account the BCN's population growth to the present day.

Treaty Eight promised 128 acres (51.8 hectares) per person. Based on the BCN's current population, that adds up to a big reserve: about 300 800 hectares. The BCN reserve is currently 21 170 hectares. In other words, the BCN believes it is owed a further 279 630 hectares.

The federal government initially rejected the claim. It said the government had fulfilled its obligations under Treaty Eight, based on the earliest official population survey in 1909. According to those figures, the BCN has all the land it is entitled to.

The BCN appealed this decision to the Indian Specific Claims Commission (ISCC). Before the ISCC could complete its inquiry, however, the federal government changed its policy towards treaty land entitlement claims. In 1998, it decided to reverse its earlier decision and accept the BCN land claim for negotiation.

While waiting for a resolution of its claim, the Bigstone Cree Nation called for a freeze on further commercial activity on Crown land it identified as part of its traditional territory. When that failed to happen, it put up "No Trespassing" signs, sparking a dispute with oil and gas contractors. Based on what you can read in this sign, what sources of authority does the First Nation use for its territorial claim?

In February 2002, the BCN released a position paper on its claim. The paper includes a summary of historical events from the band's perspective and an outline of the benefits it hopes to achieve in an eventual settlement. In addition to land and cash compensation, it also seeks a greater stake in managing the area's many natural resources, including gas, oil, and forests.

REFLECTION

What is the current status of the Bigstone Cree Nation's land claim? For an update, you can visit the BCN's Web site at *www.bigstonecree.com*. Research another unsettled specific land claim in Alberta. Summarize the history and issues involved. If possible, invite a member of a community involved in a land claim to speak to your class.

PATHS TO RESOLUTION

It is easy to understand why First Nations sometimes become frustrated by the land-claims process. Many have waited centuries for justice. When appeals and legal action fail, First Nations have sometimes felt pressed to take more direct action to assert their rights.

The Cardston Blockade

In the early hours of July 21, 1980, members of the Kainai First Nation blockaded an access road near Cardston, Alberta, with a large tipi. They wanted to draw attention to an outstanding land claim their nation had pursued for years.

Although the intentions of the First Nation were peaceful — they just wanted the federal government to agree to negotiations — the situation escalated to a more heated conflict. On July 26, the RCMP used dogs to break up the blockade, and several protesters were arrested during the physical confrontation. The blockade was over in a few days, but the land claim remains unsettled.

In early 1980, Alvin Many Chief was one of several young Kainai men who ran from Blackfoot Crossing, where Treaty Seven was signed, to Ottawa carrying a sacred bundle that contained land-claim documents and earth from the Kainai reserve. The group was frustrated with years of stalling by federal government officials with regard to the nation's land claim. Many Chief currently teaches school on the Blood reserve.

What still bothers me most about the blockade was that the RCMP gave an order to bring in an armed SWAT team. We were asking in peace for clarification of our land claim and this justified bringing in trained, armed officers? How did they see us? Why did they think they would have to go that far? I always thought to myself, isn't this Canada, that is supposed to be multicultural and accepting of different cultures? Do we treat First Nations less humane than everyone else? It was really tough to see our Elders, who were there in support of us, physically restrained.

— Alvin Many Chief, Kainai First Nation

The Oka Crisis

Canada's most famous confrontation over land claims happened in 1990. The small town of Oka, near Montreal, wanted to expand its municipal golf course. It proposed clearing a wooded area, known locally as "the Pines," to make way for an additional nine holes. However, the nearby Haudenosaunee community of Kanesatake viewed the Pines as sacred ground and had long claimed it as traditional territory.

The land that Cardston sits on is part of the "Big Claim" that has not been settled. This claim extends south almost to the Canada–U.S. border. As far as I know, the Cardston Blockade was supposed to bring attention to the outstanding claim — the fact that it wasn't being settled. All of us members of the tribe were always told by our Elders that the Mormons had leased the land for ninety-nine years and that this lease had expired before the blockade occurred. The people of Cardston deny that there ever was a lease agreement signed. Originally Red Crow agreed to let Charles Ora Card and his Mormon settlers *maahkitsstoyiimsaiksi* (to camp there for the winter). This is what I was told.

— Makai'stoo (Leo Fox), Kainai First Nation

International news crews clamoured to speak to Kanesatake and Kahnawake residents during the Oka crisis. Here Paris-Match *journalist Michel Payrard speaks to Helene Gabriel, a spokesperson for the Haudenosaunee. Traditional Haudenosaunee governance practices include important roles for women. The degree to which traditional practices should be followed has been a cause of considerable controversy at Kanesatake before, during, and after the Oka crisis.*

In fact, their claim to the land had been unresolved for almost 300 years. In 1717, without consulting Haudenosaunee residents, France's King Louis XV granted a section of land about 30 kilometres west of Montreal to a religious order. Disputes over title to this piece of land have been ongoing since that time, sometimes erupting in violence. Official land claims in 1975 and 1986 had been turned down by the federal government. By 1990, tensions were high surrounding the land claim and government attitudes towards Kanesatake claims.

When months of negotiations between the town of Oka and Kanesatake residents seemed to be going nowhere, Oka officials walked out. The town announced that it would begin development of the golf course. The federal government showed no signs of intervening, so some Kanesatake residents decided to take matters into their own hands. They began by barricading a dirt road that ran through the Pines.

Kanesatake residents were not united in this decision. The community had long been divided politically between people supporting democratically elected chiefs and people supporting chiefs selected according to longhouse traditions of the Six Nations Confederacy. Both leaderships systems had been competing in the community for decades, causing deep divisions.

Traditionalist members of the community supported the longhouse chiefs and the Warrior Society, which led the movement to build the barricade.

The town responded to the barricade with a court injunction to have it removed. Although they were cautioned to use diplomacy in implementing the injunction, the provincial police stormed the barricade. In the fight that broke out, a police officer was shot and killed.

This launched a seventy-eight-day armed standoff between Kanesatake residents, their kin from Kahnawake, the police, and, eventually, the Canadian Armed Forces. People around the world watched, transfixed, as the crisis unfolded. The Haudenosaunee at Kahnawake responded to events at Kanesatake by blocking the Mercier Bridge, an important connection between Montreal and outlying communities such as Chateauguay. In one of the ugliest moments of the standoff, groups of Chateauguay residents threw rocks and shouted derogatory insults as cars of Kahnawake residents left the community. The cars were filled mostly with Elders, women, and children.

Since Oka, governments and the First Nations involved have worked to build and maintain an atmosphere of sensitivity and mutual respect. This finally resulted, in December 2000, in a land governance deal for Kanesatake.

Six Nations leader Billy Two Rivers (to the left of the stop sign) is shown here supporting a Lubicon Lake Cree protest in 1987 at a road blockade that prevented logging and oil trucks from passing. The Lubicon were demanding royalties from the profits made on their land. (Names of others pictured are not available.)

Lubicon Lake Cree

For many years, the Lubicon Lake Cree were overlooked by the outside world. Their traditional lands were in a remote and inaccessible part of northern Alberta. In the late 1970s, however, an all-weather road was built into their territory and oil exploration began. When they saw the environmental damage being done to their lands, the Lubicon Lake Cree resisted the changes. They wanted to preserve their land and way of life.

The community began to build a global network of organizations and individuals to help them with legal matters, boycotts, lobbying, and negotiations.

They received much international attention during the 1988 Olympics in Calgary. The Olympic Torch Relay was sponsored by Petro-Canada, one of the oil companies responsible for damaging traditional Lubicon land. The Lubicon Lake Cree organized demonstrations to greet the relay as it moved across the country. Lubicon Chief Bernard Ominayak followed the torch and issued press releases to the media about his nation's situation.

Following the Olympics, the Lubicon Lake Cree settled an agreement with the Alberta government to establish a reserve, but the federal government refused to negotiate other issues with the First Nation.

In 1989, the Alberta government awarded a large paper company the timber rights to a section of traditional Lubicon land. The community and its supporters began an international boycott against the company in 1991. The boycott ended in 1998 after the company decided to end timber cutting on Lubicon lands until the nation's land rights were settled. Negotiations with the federal government have been ongoing since 2000.

Indigenous Knowledge

First Nations have used a variety of methods to pursue their land claims: negotiation, lawsuits, blockades, media pressure, and armed resistance. Each method has benefits and drawbacks. With a partner, describe as many benefits and drawbacks for each method as you can. Do more research on the history of the Kanesatake land claim and details of its settlement or the Lubicon Lake Cree's outstanding claim. Analyze the methods used in each case. What conclusions can you draw?

LOOKING BACK

Before moving on to the next section, be sure you can describe each of the following concepts with at least one specific example: ceded land, non-ceded land, comprehensive land claim, specific land claim. What are some of the obstacles to settling a land claim?

Métis and Non-Status First Nations Land Claims

Métis and First Nations people without status make up a significant proportion of Canada's Aboriginal population. Many of these people grapple with economic and social hardships in the midst of a society that views them as neither Aboriginal nor part of mainstream society.

NON-STATUS LAND CLAIMS ISSUES

Most Aboriginal leaders dispute the government's right to legislate who does and does not belong to various groups of Aboriginal people. They wonder why, for example, someone cannot claim their Aboriginal ancestry and the rights that accompany that ancestry simply because his or her great-great-grandfather decided to accept scrip. They wonder why someone is denied rights because of who his or her mother or grandmother decided to marry.

They point to people like Stephen Kakfwi. This prominent Dene leader, a former premier of the Northwest Territories, is the son of two full-blooded Dené Tha' parents. However, because his grandfather gave up his status to own property and open a business, Stephen Kakfwi is officially considered a non-Status Indian by the federal government.

When the federal government passed the Indian Act in 1876, it had to decide to whom that law would apply. It decided that, for the purposes of the act, an *Indian* was "Any male person of Indian blood reputed to belong to a particular band; any child of such person; any

AS YOU READ

Some people describe Métis people and First Nations people without status as "Canada's forgotten people." Despite their Aboriginal heritage, the government has treated them, until recently, as part of Canada's general population.

Many Métis people and First Nations people without status see land claims as their best hope for economic stability and cultural survival. They want to emerge from the shadows and claim their rights as Aboriginal peoples.

As you read pages 135–142, consider how the land claims of Métis people and First Nations people without status differ from those of First Nations people with status and treaty rights. What factors make Métis and non-status land claims difficult to address?

We the Métis and non-Status Indians, descendants of the "original people" of this country, declare

- **That Métis nationalism is Canadian nationalism. We embody the true spirit of Canada and are the source of Canadian identity.**
- **That we have the right to self-determination and shall continue, in the tradition of Louis Riel, to express this right as equal partners in Confederation.**
- **That all native people must be included in each step of the process leading to changes in the Constitution of Canada.**
- **That we have the right to guaranteed representation in all legislative assemblies.**
- **That we have the inalienable right to the land and the natural resources of that land.**
- **That we have the right to determine how and when the land and resources are to be developed for the benefit of our people and in partnership with other Canadians for the benefit of Canada as a whole.**
- **That we have the right to preserve our identity and to flourish as a distinct people with a rich cultural heritage.**
- **That we have the right to educate our children in our native languages, customs, beliefs, music, and other art forms.**
- **That we are a people with a right to special status in Confederation.**

… We whose purpose in life is tied to the land have become a landless people. We have come to be seen as squatters on our own land. We will never give up our right to the land and its natural resources. To forsake the land is to forsake ourselves.

— Native Council of Canada, *Declaration of Rights* (1979)

From an Aboriginal perspective, treaty rights are not linked to registration under the Indian Act — but the federal government will not admit that. Most historic treaties (and there are over 500 of them) contain the phrase "and their descendants" or an equivalent phrase in the section dealing with to whom the treaty applies. None of them contain the term "registered" or even specifically exclude Métis — although the Indian Act does both. Since a treaty, by definition, cannot be unilaterally altered by one party or by unilaterally imposed legislation, all descendants of Indians involved in treaties technically have treaty rights. But the federal government consistently refuses access to those rights by unregistered Indians and Métis.

— Congress of Aboriginal Peoples

woman who is or was lawfully married to such person."

By defining who would be considered an Indian, the government also decided who would not be considered one. If a person was not on their lists, the Indian Act did not apply to them. These early lists generally coincided with individuals belonging to First Nations that signed treaties. Individuals with treaty rights were generally the same as those with status under the Indian Act. As far as the federal government was concerned, these were the only individuals to be included in its legislation, programs, and services.

Over time, due to the scrip process, involuntary enfranchisement, loss of status through Indian Act rules, and mistakes that occurred in creating the Indian register in 1951, many people lost their status or never gained status, even though they were as eligible as others.

Today, most First Nations people with treaty rights also have status. However, people with status do not necessarily have treaty rights. For example, people who regained status through Bill C-31 do not necessarily have membership in a band, which is usually required to receive treaty rights. This is a highly controversial and difficult issue for First Nations today. It comes down to a conflict between individual and collective rights. An individual might be morally and legally entitled to belong to their band (and receive the benefits that come with band membership, such as living on a reserve), but a band might claim the right to restrict the size of its membership to match its resources. A band that already faces a housing shortage for long-term members of its community will have a difficult time accepting new members reinstated by federal legislation.

However the situation is solved leads to injustice. Either individuals do not receive benefits they are entitled to receive or whole communities might see their benefits eroded. There are no simple solutions. The problems result from decades of colonial policies and laws. Even if the federal government today completely backed away from any role in deciding who is and is not a status First Nations person, the legacy of its historic involvement would remain.

The awkwardness and inconsistencies of federal legislation that defines who is and is not considered a First Nations person can be seen in the situation of people like Stephen Kakfwi, a prominent Dene leader who is officially a non-Status Indian in the eyes of federal legislation. Situations like Kakfwi's are common in every First Nations and Métis community across the country. Kakfwi is shown here with his wife, Marie Wilson.

LEGISLATION AND IDENTITY

One of the most fundamental rights of self-determination is the right to identity. First Nations people considered non-status according to the Indian Act are in a different legal position from many other First Nations people, including some members of their own families.

However much legislation affects a person's rights and privileges, it is not their identity. Much of a person's identity is personal — a part of themselves that involves their culture, language, family, friends, relationships, experiences, values, and spirituality. How do issues of self-identity complicate rights issues for First Nations people?

Your Project

1. Choose one of the following topics to explore the idea of identity:

   Topic A: Research and read stories by Aboriginal writers who explore the concept and meaning of identity. While reading, consider these questions: How important is official (government) recognition to the author or narrator? If it is important, explain why. According to the stories, what aspects of culture are critical to a person's identity? Create a dramatic presentation of your ideas about identity and those presented in the stories you read. Use creative devices such as music, voice, light, and gestures to express yourself.

   Topic B: Write a poem or short story that represents important components of a person's identity. Think about factors such as name, culture, family and kinship relationships, ancestry, language, and so on. Prepare a dramatic reading of your work, incorporating some of the creative devices suggested in Topic A.

If you don't have status as an Indian, are you an Indian? Can a bureaucrat change a person's race, his or her very genetic makeup, with a stroke of a pen? Can a judge suddenly turn you into something you're not with a carefully worded decision from the bench?

... [M]aybe the best definition of a non-status Indian is this: an Indian person that some wise guy in Indian Affairs has decided to throw into some artificially constructed category where the government can then deny his or her rights.

The more we ponder on this the more convinced we become that the term "non-status Indian" is one of the most ridiculous creations of the Canadian bureaucracy of all time.

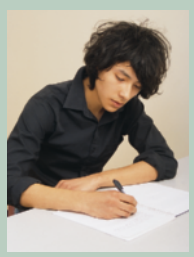
And that's saying something.

— Editorial, *Windspeaker* (October 2003)

As it stands now, I am a status person under section 6.2 of Bill C-31. My two girls are not Native in the government's eyes. They have one-quarter Native blood. Do I tell my daughters that they are not Native because the government says it's so? No, I don't think so.

— Connie Chappell, Charlottetown, Prince Edward Island

Topic C: Create a painting, sculpture, collage, or other work of art to represent your own sense of identity. What type of media would best express your ideas? Display your work for the class, along with a brief statement that points out the key features of and rationale for your design.



2. After listening to and viewing your classmates' projects, hold a class discussion about the important features that make up a person's identity. Are there different kinds of identities? For example, are there some identities that are legislated by government and others that are personal? How do issues of identity impact people's emotions, rights, and life opportunities?

Adrian Hope, also known as The Senator, was a well-known Métis leader in the early days of political activity by Métis communities in Alberta. He and leaders like Stan Daniels, leader of the Métis Association of Alberta, are credited with a resurgence of Métis land rights activism in the 1970s. This activism resulted in a settled land claim in 1990.

MÉTIS LAND-CLAIMS ISSUES

The land rights promised by the Manitoba Act and Dominion Lands Act were never fulfilled for most Métis people. The vast majority of Métis and First Nations people who took scrip never received the land they were entitled to receive.

Those who did receive land found their communities widely scattered. The federal government refused to handle Métis claims to land on a collective basis, which would have provided blocks of land large enough to accommodate whole communities. Such a land base would have assisted Métis people in preserving their social and cultural ties. Instead, the federal government would deal only with individual Métis people, a policy that facilitated scrip fraud and speculation.

Many Métis people who had been displaced from their lands in Saskatchewan and Manitoba moved farther west in search of a new start. Many settled in and near communities around Alberta, such as St. Albert, Lac La Biche, Lac Ste Anne, Whitefish, and Victoria (an historic Métis settlement). Some of these people settled before 1870, some after the Red River Resistance in 1870, and still more after the 1885 Resistance in Saskatchewan. The displaced Métis families re-established their communities, basing them on traditional pursuits such as farming and annual buffalo hunts. The most significant Métis hunt in Alberta was the Edmonton Hunt, which involved French-speaking Métis people from Lac La Biche, Lac Ste Anne, and St. Albert.

As in earlier Métis history, most of these settlers did not receive title to their land. They established land-holding systems like that at Red River, each farm stretching back from riverfronts. In some cases, families even settled next to the same families they had lived near at Red River.

Once again, however, history seemed to destined to repeat itself. As non-Aboriginal settlement continued in the late nineteenth and early twentieth centuries, many Métis families were forced to move from their homes.

Having a land base where many members of a cultural community can live together facilitates the continuity of traditions such as weaving the Métis sash (shown in this photograph). What other Métis traditions might be preserved at the Métis Settlements? Why are traditions more difficult to maintain among widely dispersed community members?

The Métis Population Betterment Act

During the Depression of the 1930s, conditions for many Métis people in Alberta had reached a crisis point.

Organizers, such as Adrian Hope, travelled by boxcar around the province to speak with Métis communities about forming a farming association to bring pressure on governments to ease the problems faced by Alberta's Métis population. On one of his trips, Hope slept under Edmonton's High Level Bridge and travelled to Calgary with eighty cents for expenses.

In 1932, Joseph Dion, Malcolm Norris, Felix Calihoo, Peter Tomkins, and James Brady formed the Métis Association of Alberta. This group decided to resolve the issues that faced their people once and for all. Instead of petitioning the federal

government, as so many Métis communities had done in the past, they decided to pursue their land rights with the provincial government. In addition, the association pressured the provincial government for education, medical care, and free hunting and fishing permits.

In 1934, the Alberta government responded by appointing a commission to study the matter. The Ewing Commission recommended the creation of Métis farming colonies on Crown land, under the supervision of the provincial government. This led to the passage, in 1938, of the Métis Population Betterment Act. The act defined a Métis person as someone "of mixed white and Indian blood, but not … an Indian or treaty Indian as defined by the Indian Act."

A committee of Métis and government representatives selected lands for the twelve new settlements. In 1943, the Métis Betterment Trust Fund was established to manage income from resources taken from Métis Settlement areas. Adrian Hope recalls "In 1942, we had sat down with Dr. W. W. Cross (then Socred [Social Credit party] minister of public welfare) and began talking about what would happen if we found coal or gold on the settlements. Who would get the money? 'Well, it will be put into the Métis trust fund,' replied the minister."

Although it wasn't gold and coal, the Métis Settlements did have a wealth of resources in oil and gas. However, the approximately $30 million that the province received by the 1970s for this wealth did not go into the trust fund. Adrian Hope was on hand to fight the injustice, beginning in 1961. In 1969, with Stan Daniels, president of the Métis Association of Alberta, he helped launch the first lawsuit against the provincial government to reclaim the resource revenue.

In 1988, the Alberta government settled the lawsuit with $310 million in financial compensation, title to Métis Settlement lands, and legislated self-government.

Before the Depression, we used to sell everything we raised and live on the leavings. But in the "dirty thirties," there was no market for any of our produce. Whatever we raised we ate, so actually we lived better than we had in the twenties. We had lots of cream and butter and we butchered a pig or sheep once in a while. We were short of clothes, because we had no money to buy them, but we ate well….

Maurice L'Hirondelle

In the early 1930s, the Métis people began to organize so they could get a better deal from the government. As the Depression continued through the thirties, the Métis people were in terrible shape. A lot of them couldn't pay taxes and lost their land — not only the Métis, but lots of other people too — usually because they couldn't pay the mortgage payments they were saddled with. I don't know how many times we lost our land because of taxes during the thirties. We were just making enough money to buy the bare necessities and the councillor for our district was not in our favour, so he didn't give us much roadwork to pay our taxes. We pretty well had to pay in cash. Then the Métis people organized to see if we could get some land where we could settle without being kicked out…. After the land was set aside, the people who had no place to go and had no land were able to move onto this land and build themselves homes. At least you could build a cabin and there was a lot of timber, a lot of moose and fur-bearing animals and good farm land.

— Maurice L'Hirondelle, East Prairie Métis Settlement

MÉTIS SETTLEMENTS

In July 1989, eight Métis Settlements (Buffalo Lake, East Prairie, Elizabeth, Fishing Lake, Gift Lake, Kikino, Paddle Prairie, and Peavine) and the Province of Alberta signed the Métis Settlements Accord. The agreement gave the Métis Settlements ownership of their lands, self-government, and the right to share revenues from the development of natural resources on their lands. The accord took effect in November 1990 when the Province of Alberta passed into law an amendment to Alberta's constitution.

This amendment, the Métis Settlements Act, created local governments for each of the settlements and a collective government in the form of the Métis Settlements General Council (MSGC). Each of the governments established by the act now has powers and privileges the province cannot change without consent of the settlements. The members of each settlement elect five-person councils. These councils run local programs and services and have the power to pass bylaws in matters such as health, safety, welfare, public order, pest control, business regulation, water, sewage, local development, and land-use planning.

Council bylaws are approved by council members and a majority of settlement members present at public meetings. This system gives all settlement members the right to express their opinions directly on issues that come before their settlement council. Settlement councils and their bylaws are accountable to their members and the MSGC.

The MSGC includes five councillors from each of the eight settlements and four executive members who are elected by the MSGC. The MSGC holds title to all settlement lands and is responsible for matters that affect the collective interests of the settlements. It has the power to enact General Council Policies in areas such as membership, resource development, taxation, and regulation of hunting, fishing, trapping, gathering, and land use. General Council Policies have the same status as other provincial laws and must conform to the regulations of the Métis Settlements Act.

The Métis Settlements also have a forum for resolving disputes among members. The Métis Settlements Appeals Tribunal deals with disputes over land, land access, leases, and membership. The tribunal includes representatives from all the settlements. Tribunal decisions are made by interpretations of Métis Settlement legislation and regulations, settlement council bylaws, General Council Policies, and traditional customs. In some cases, the tribunal relies on interpretations of decisions by Alberta courts, provincial legislation, and expert opinion.

The Métis Settlements have the only legislated Métis governments in Canada and are the only Métis communities with title to their land. The Métis Settlements Accord, shown being signed here in 1989, was a significant moment in Métis rights.

REFLECTION

How did having a land base make self-government possible for the Métis Settlements? Now that the settlements have title to their land, what kinds of options will they have in terms of economic development? How does Métis Settlements self-government compare to other forms of self-government you studied in Chapter Three?

A NEW ERA IN MÉTIS AND NON-STATUS RIGHTS

Métis and First Nations people without status have long been caught in a jurisdictional struggle between the federal and provincial governments. The British North America Act gave the federal government responsibility for "Indians and lands reserved for Indians." The federal government argues that this clause means Indians *on* lands reserved for Indians. In other words, they accept responsibility for First Nations people who live on reserves. In this argument, all other Aboriginal people are under provincial jurisdiction.

The Supreme Court has ruled that Inuit people are to be included in this section of the British North America Act 91 (24), but there is no ruling on Métis people and First Nations people living off reserves or who are not eligible to live on reserves.

In practice, the federal government has assumed responsibility for Métis people in the Northwest Territories, Yukon, and Nunavut, but not south of the 60th parallel. They argue that Métis people in the provinces are a provincial responsibility because Métis rights in those provinces were extinguished through the scrip process.

Despite recognition in the Constitution Act of 1982, Métis people still do not benefit from the same levels of programs and services offered to other Aboriginal peoples. Furthermore, with the exception of people at the Métis Settlements,

… And this "new beginning" comes at a time when there is a new reality for the Métis Nation and all governments in Canada. I speak of course of the recent decision of the Supreme Court of Canada in [the Powley case]. Not only did the highest court in this land unequivocally affirm that the Métis people have existing constitutionally protected rights, the law is very clear that all governments have an obligation to ensure Métis rights are recognized and accommodated in this country.

Powley is just another affirmation of the Métis Nation's unique history, identity, culture, and special relationship to our lands. As a distinct people, we hold the inherent right of self-determination and aspire to fully implement Métis self-government within the Canadian federation.

For centuries, we have struggled with Canada on the battlefield, in the political arena, and in the courts to defend our nationhood, our lands, our rights and our culture…our people have never given up their rights or determination to be self-governing.

Unfortunately, the written and unwritten policies of Sir John A. Macdonald and successive unsympathetic governments continue to haunt our relationship with Canada. Today, we are still witness to the shameful legacies of these policies:

Audrey Poitras

- **No one in the federal government, not even the Federal Interlocutor, has a mandate to negotiate with us.**
- **The Métis Nation is the only Aboriginal people that is still largely a landless people within our own homeland.**
- **On-going jurisdictional bickering between Canada and the provinces has left us in limbo as our children and communities fall farther behind other Canadians.**
- **An on-going strategy attempts to deal with Métis as individuals rather than respecting our collective rights and well-established self-government structures.**

— Speaking notes of Audrey Poitras at the Canada–Aboriginal Peoples Roundtable (April 19, 2004)

they do not have access to a secure land base.

The federal government has been slow to resolve Métis and non-status rights issues. In 1985, the government created a position for a Federal Interlocutor for Métis and Non-Status Indians. This was the first time Métis and First Nations people without status had an official point of contact in the federal government to whom they could address their concerns.

Responding to the Supreme Court's 2003 Powley decision is a priority for the Federal Interlocutor's office. In April 2004, the government allocated approximately $10 million for Métis organizations to help them further develop their membership lists, especially in terms of individuals who might have harvesting rights according to standards set in the Powley case.

Constitutional recognition of Métis status and the Powley decision have led to a new era in Métis rights. In this new period, negotiations with the federal government will likely play a significant role.

Issues for Investigation

COMPARING MÉTIS RIGHTS

How do Métis land rights in Alberta compare to Métis rights in other parts of Canada?

WHAT TO DO

1. With a partner, research the terms of the Manitoba Act and Alberta's Métis Population Betterment Act and Métis Settlements Act. In your own words, prepare a summary of the Métis land rights given by each act.
2. Compare the three acts and answer the following questions: What was each act's immediate impact on the lives of Métis peoples? What is each act's long-term significance? Did each act fulfill its stated purpose?
3. Now choose a group of Métis people from outside Alberta. Research your selected group and compare its culture and land rights with that of Alberta's Métis population.The Manitoba Métis Federation, for example, has launched a major land claim on behalf of former scrip holders. Settlement of this claim could have enormous implications for Métis people across the West.
4. Answer the following questions: How and why do Métis land rights vary? How do the issues that face each group compare? What organizations are most active in asserting Métis land rights?
5. Prepare a written report of your analysis that is no more than three pages long. If you prefer, instead of a written report, you and your partner may give an oral presentation that should last no longer than 10 minutes.

LOOKING BACK

Before moving on to the next section, be sure you can answer the questions that follow: What are the bases of Métis land rights? What are the bases of non-status First Nations land rights? Why have some Métis and non-status First Nations people formed alliances to deal with rights issues? How do their rights compare to those of First Nations people with status and treaty rights? What issues stand in the way of Métis and non-status First Nations land claims? What gains have Métis people made in resolving land claims?

Comprehensive Land-Claims Settlements

Comprehensive land-claims negotiations are long and complex. Negotiations follow similar stages to those for self-government agreements. First, the parties involved develop a Memorandum of Understanding, which affirms the commitment of everyone involved to the negotiations. Then, negotiators develop a Framework Agreement, in which they agree upon the issues to be discussed, the process for discussing them, and deadlines.

Negotiators then work on an Agreement-in-Principle (AIP), which is the longest stage in the negotiation process. An AIP is based on the issues identified in the Framework Agreement and contains all the agreements that will form the final settlement. The last stage is the Final Agreement, which contains the details of negotiated settlements on all issues, including resources, financial benefits, self-government, and land ownership. The Final Agreement must be ratified by the Aboriginal group or groups involved, the province or territory, and Canada. Parliament then passes legislation that makes the Final Agreement valid.

These Final Agreements are explicitly protected by the Canadian constitution. Significantly, if self-government is part of the land-claim settlement process, aspects of self-government agreements are also constitutionally protected.

AS YOU READ

Pages 143–155 explore some of Canada's settled comprehensive land claims and the complex issues that confront negotiators. As you read, make notes about the following aspects of each claim history: What Aboriginal groups and levels of government were involved? When did the claim begin and end? What prompted the Aboriginal group or groups to file a claim? What issues most concerned them? How was the claim resolved?

SETTLED COMPREHENSIVE CLAIMS

1975 The James Bay and Northern Quebec Agreement
1978 The Northeastern Quebec Agreement
1984 The Inuvialuit Final Agreement
1992 The Gwich'in Agreement
1993 The Nunavut Land Claims Agreement
1993 Council for Yukon Indians Umbrella Final Agreement
1995 The Vuntut Gwich'in First Nation
1995 The First Nation of Nacho Nyak Dun
1995 The Teslin Tlingit Council
1995 The Champagne and Aishihik First Nations
1997 The Little Salmon/Carmacks First Nation
1997 The Selkirk First Nation
1998 The Tr'ondëk Hwëch'in First Nation
2002 The Ta'an Kwach'an Council
1994 The Sahtú Dene and Métis Agreement
2000 The Nisga'a Agreement

REFLECTION

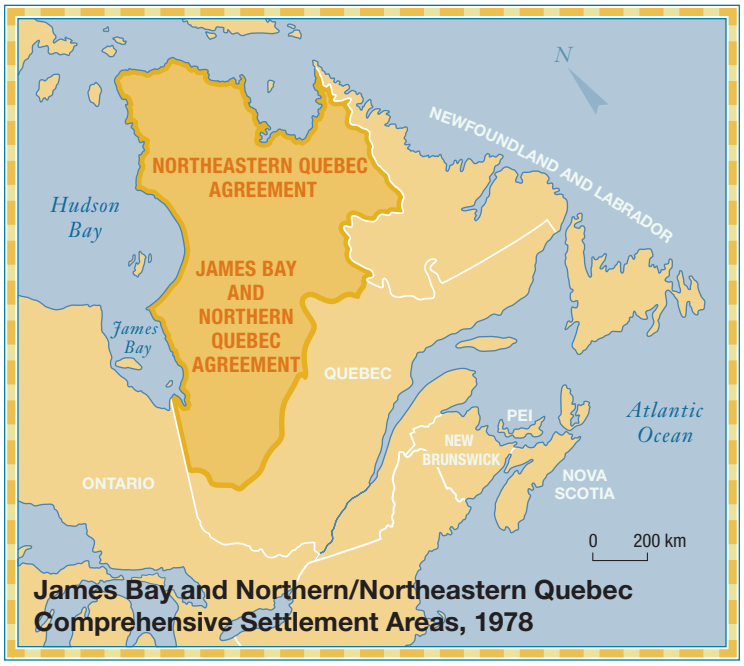
Visit the Indian and Northern Affairs Web site at *www.ainc-inac.gc.ca* for the most recent listing of settled and outstanding comprehensive land claims, background information on all the claims, and details of final agreements. You will need to refer to this Web site for a project at the end of this section.

JAMES BAY AND NORTHERN QUEBEC AGREEMENT

The James Bay and Northern Quebec Agreement (JBNQA), signed in 1975, was the first major agreement between Aboriginal peoples and Canada's government in nearly seventy years.

In many ways, it resembled the numbered treaties signed in the late 1800s. The Cree and Inuit peoples of northern Quebec agreed to surrender their Aboriginal title to a large territory. In return, they received some land, cash compensation, and ongoing economic support.

However, the JBNQA also broke new ground. It gave the Cree and Inuit a greater role in governing their lands, economy, and society. It also promised them a voice in negotiations for future industrial development in their traditional territory.



The James Bay and Northern Quebec Agreement, signed in 1975, is considered Canada's first modern treaty.

What Triggered Negotiations?

For two centuries, northern Quebec was part of Rupert's Land, under the control of the Hudson's Bay Company (HBC). The HBC transferred the land to Canada in 1869.

In 1898 and 1912, parliament expanded Quebec northward and eastward, creating the province's current boundaries. When Quebec took control of its northern territories, it became responsible for settling land-related issues with the First Nations and Inuit peoples living there.

For decades, that did not happen. Quebec had little interest in developing the north and so felt little pressure to address the land question. First Nations and Inuit peoples continued their traditional ways of life based on hunting, trapping, and fishing.

Then, on April 30, 1970, Quebec Premier Robert Bourassa announced a massive hydroelectric project. The James Bay Hydroelectric Project would reconfigure the waterways and flood a huge area of northern Quebec.

Immediately, Cree and Inuit peoples affected by the proposed dam began to organize opposition to the project. Twenty-two-year-old Billy Diamond, a newly elected chief, quickly emerged as a vocal Cree spokesperson.

In 1973, the Indians of Quebec Association went to court to try to stop the project. It argued that the First Nations and Inuit peoples affected by the project had never surrendered title to their land, and that Quebec had failed in its obligation to negotiate with them. The court agreed and issued an injunction to stop the project.

Negotiating the Agreement

An appeal overturned that injunction just a week later, but by then negotiations to settle the dispute had already begun. In addition to Diamond, main negotiators included Grand Chief Ted Moses for the Cree and Charlie Watt of the Northern Quebec Inuit Association.

Work resumed on the hydroelectric project and Aboriginal leaders began to realize that they could not stop it. This put them under great pressure to reach a deal. "We were going to make the best of a bad thing," Diamond said.

They focused attention on the disruption the project would cause to their communities and way of life. They demanded compensation and recognition of their rights.

In 1975, they signed the JBNQA. The agreement included nearly $134 million for the Cree and more

BUILDING THE OUJÉ-BOUGOUMOU CREE NATION

For much of the twentieth century, the Oujé-Bougoumou Cree saw their traditional way of life gradually disappear. Forestry and mining companies moved into their territory, forcing them to relocate their village seven times in fifty years. Meanwhile, the government refused to recognize them as a distinct First Nation.

That began to change in 1975, when the James Bay and Northern Quebec Agreement (JBNQA) included the "Chibougamou Cree." The community eventually gained band status under the Indian Act and renamed itself the Oujé-Bougoumou Cree Nation.

In 1989, the Quebec government agreed to make a financial contribution to the construction of a permanent village for the community. The federal government joined the project in 1992.

The resulting village includes a school, daycare centre, cultural centre, self-government headquarters, Elders' residence, youth centre, and church. The community runs its own housing program, building affordable homes and rental units for residents. The entire village gets its heat from a central plant fuelled by waste sawdust from nearby sawmills. The resulting heat is distributed by underground hot-water pipes.

In 1995, the Oujé-Bougoumou received an award from the United Nations as one of fifty communities that "[demonstrate] positive and practical solutions to difficult problems, and [have] inspiring lessons to offer to other communities and to the United Nations."

The Oujé-Bougoumou hired renowned architect Douglas Cardinal to work with them to build their village. With labour from the community, they constructed public buildings inspired by the First Nation's traditional tipi-like dwelling, the astchiiugamikw.

The community still struggles with depleted resources and wildlife due to clear-cutting, and with social problems left over from the decades before settlement of the JBNQA. However, Chief Sam Bosum believes that the "Oujé-Bougoumou can be an inspiration for indigenous peoples everywhere to continue their struggles to build healthy and secure communities."

REFLECTION

Learn more about the history of the Oujé-Bougoumou Cree by visiting their Web site at *www.ouje.ca.* How does Oujé-Bougoumou community development reinforce their traditional cultural beliefs?

than $91 million for the Inuit. It also set up services and programs with annual contributions from federal and provincial governments.

The agreement created committees for environmental and social protection. It established Cree and Inuit school boards, turned over health and social services to Aboriginal agencies, and provided ongoing support for economic development.

The agreement covered more than 1.1 million square kilometres. It divided that territory into three categories:

- Category I lands (14 000 square kilometres) are reserved exclusively for Aboriginal communities.
- Category II lands (150 000 square kilometres) mostly surround villages. On these lands, Aboriginal peoples have exclusive hunting, trapping, and fishing rights. They also help manage wildlife.
- Category III lands (1 000 000 square kilometres) are Quebec public lands, but Aboriginal peoples have special rights to hunt and fish there.

In 1978, the JBNQA was amended to include the Northeastern Quebec Agreement (NEQA), which was negotiated by the Naskapi First Nation of Northern Quebec. In it, the Naskapi received $9 million and more control over their education programs.

Both the JBNQA and NEQA made provisions to allow local self-government for Category I lands. This finally came to pass in 1984 with the Cree-Naskapi (of Quebec) Act, which transferred most of the powers of the Indian Act to the First Nations' governments. The act was Canada's first Aboriginal self-government legislation.

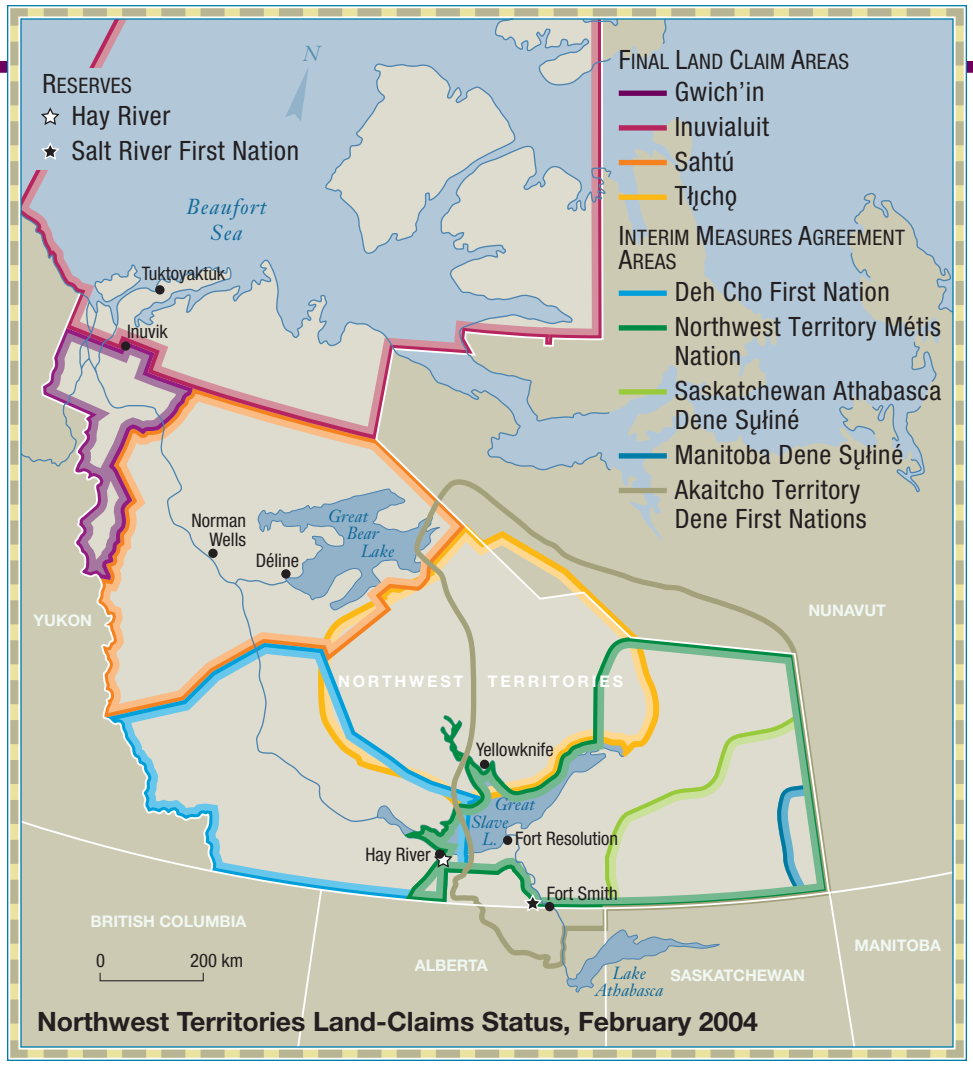
Many Aboriginal people feel that the JBNQA created expectations that are still unfulfilled. Despite this, the agreement marked a huge leap forward from the thinking that guided the numbered treaties. It placed more power and more resources in Aboriginal hands than any agreement signed before, and helped pave the way for future agreements.

It also helped shape a new generation of Aboriginal leaders. Billy Diamond and Charlie Watt went on to help draft Section 35 of the Constitution Act of 1982, which entrenched Aboriginal rights in the highest law of the country.

AGREEMENT IN PRINCIPLE WITH THE DENE AND MÉTIS OF TREATY ELEVEN IN THE NORTHWEST TERRITORIES

In 1974, the Dene and Métis peoples of the Northwest Territories presented a joint land claim. Most Métis in the territory are descendants of the region's Dene, and there is a strong bond between the groups. Like the Cree and Inuit in Quebec, the Dene and Métis felt threatened by a proposed industrial development. However, the negotiations for their land claim involved a new theme: an explicit call for self-government.

Sixteen years later, in April 1990, Dene, Métis, and government negotiators initialled an Agreement-in-Principle (AIP). Many Dene and Métis remained worried, however,



The complexity of land-claims negotiations are evident in this map of land-claims status in the Northwest Territories. The details of the settlements are even more complex. Within each claim area are territories where Aboriginal groups have mineral rights, rights of exclusive occupation and use, and special management rights and responsibilities.

that the agreement did not go far enough to protect their rights. They asked to renegotiate parts of the AIP, but the government refused. Each community was left to pursue its own course with the federal government. Today, each community has concluded an agreement based on the AIP or is in negotiations to do so.

What Triggered Negotiations?

Canada's government and First Nations in the Northwest Territories negotiated Treaty Eight in 1899 and Treaty Eleven in 1921, but the terms of the treaties were never fulfilled. Treaty Eight formalized only one reserve, and no reserves ever emerged from Treaty Eleven. As was the case with many northern regions, the Northwest Territories faced few pressures from industry or settlers, so neither the government nor First Nations saw a need to reserve more land.

That changed in the early 1970s. Developers wanted to build a major pipeline through the Mackenzie River Valley to carry northern oil and gas to markets in the south. The Dene Nation (then called the Indian Brotherhood of the Northwest Territories) claimed that it had rights to Crown land in the valley, and went to court to stop the pipeline. The

The Mackenzie River is the longest in Canada at 1800 kilometres. This view of the Mackenzie River Valley shows some of the effects of oil exploration in the area. While advocates of the Mackenzie Valley Pipeline compare its impact to a thread across a football field, opponents compare it to a slash across the Mona Lisa.

Dene won their case in the Supreme Court of the Northwest Territories, but later lost an appeal in the Supreme Court of Canada.

Nevertheless, the government accepted the Dene-Métis land claims as a way to honour the unfulfilled terms of Treaty Eight and Treaty Eleven. This was one of the few comprehensive claims for land included in a treaty area that have been accepted by the federal government.

The government also established a public inquiry into the Mackenzie Valley Pipeline. Under the leadership of Justice Thomas Berger, the Berger Commission recommended in 1977 that a ten-year moratorium be imposed on the development project while land claims were resolved.

Negotiating the Agreement

In 1975, the Dene Nation issued a declaration calling for nationhood, which you read on pages 2–3. Métis people became worried that the Dene fight for self-government would overshadow their own rights, so they decided to pursue a separate land claim.

Eventually, the Dene and Métis renewed their partnership and negotiations continued throughout the 1980s. The AIP they reached in 1990 included a settlement for 181 300 square kilometres of land, including mineral rights for 10 100 square kilometres. It also provided a $500 million cash settlement over fifteen years, plus a share of federal resource royalties. Furthermore, it established special hunting and fishing rights and made provisions to involve Aboriginal groups in management and protection of the environment.

The agreement was controversial. Some people saw the AIP as a significant step forward. Others objected to clauses that required them to surrender Aboriginal title in exchange for the agreement. When the government refused to renegotiate the AIP, various regions and communities began to pursue settlements of their own.

Today, each region of the Northwest Territories is in a different stage of negotiating a Land, Resources, and Self-Government Agreement.

For example, the Tłı̨chǫ (Dogrib) have ratified a Final Agreement and

are waiting for the federal government to pass legislation to make it law. A provision in their agreement allows Métis people who lived in the settlement area before 1921 (when Treaty Eleven was signed) to be part of the agreement. Métis people in the region are working on their own claim through the North Slave Métis Alliance, but some people may choose to be part of the Tłı̨chǫ settlement.

The Northwest Territories Métis Nation (formerly the South Slave Métis Tribal Council) is negotiating an AIP for lands and resources. First Nations in their region decided to pursue a treaty land entitlement (TLE) claim, so Métis people had to pursue their negotiations separately. Métis groups are not eligible to participate in TLE negotiations because their ancestors were not part of the treaty process. Métis descendants of the Gwich'in, in contrast, participated in that group's land-claim negotiations and are part of its claim settlement.

The Akaitcho Territory First Nations are part of Treaty Eight. They are trying to negotiate an agreement based on what their ancestors agreed to when they signed an adhesion to Treaty Eight in 1900 at Fort Resolution. Saskatchewan Dene Sųłiné are negotiating mostly for hunting and trapping rights. Manitoba Dene Sųłiné are claiming land as well as harvesting rights.

UMBRELLA AGREEMENT WITH THE COUNCIL OF YUKON INDIANS

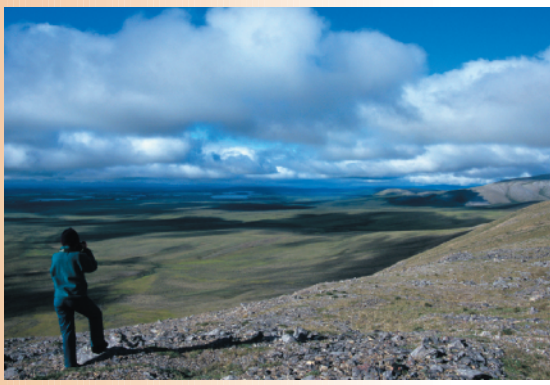
In 1973, Tutchone leader Elijah Smith presented a position paper to Canada's prime minister, Pierre Trudeau. *Together Today for Our Children Tomorrow* launched a two-decade dialogue that culminated in 1993 with the Umbrella Final Agreement (UFA) with the Council of Yukon Indians (since renamed the Council of Yukon First Nations). They were the first group in the north to submit a formal land claim.

The UFA established a framework for the negotiation of individual land-claims settlements with each of the Yukon's fourteen First Nations.

Indigenous Knowledge

As part of the Umbrella Agreement with the Council of Yukon Indians, a new national park called Vuntut was created, which covers approximately 4400 square kilometres. Vuntut means "among the lakes" in the Gwich'in language. First Nations will continue to have harvesting rights in the park and will play key roles in management of the park and its resources.

Visit Parks Canada's Web site at *www.pc.gc.ca* to see the location of Vuntut National Park and information about its natural and cultural significance. In small groups, create a brochure or Web site that promotes the park and Aboriginal people's involvement in its management and conservation.



One of the areas protected by Vuntut National Park is Old Crow Flats, shown in this photograph. Old Crow Flats is the Yukon's largest wetland complex and is an important habitat for waterfowl, muskrat, and other animals important to the Gwich'in people.

The Umbrella Final Agreement with the Council of Yukon Indians included guarantees for special economic and employment opportunities, specific hunting and fishing rights, and guaranteed participation in management of national parks and heritage and wildlife areas.

N
Beaufort Sea
First Nations with final land claims and self-government agreements*
Champagne and Aishihik First Nations
First Nation of Nacho Nyak Dun
Kluane First Nation**
Little Salmon/Carmacks First Nation
Selkirk First Nation
Ta'an Kwach'an Council
Teslin Tlingit Council
Tr'ondëk Hwëch'in Council
Vuntut Gwich'in First Nation
First Nations with final agreements in the process of ratification
Carcross/Tagish First Nation
Kwanlin Dun First Nation
White River First Nation**
First Nations not in negotiation
Liard First Nation***
Ross River Dena Council***
YUKON
Dawson
Mayo
0
100 km
Ross River Dena Council
Ross River
Carmacks
White River
Kwanlin Dun
Haines Junction
Whitehorse
Liard
Carcross/Tagish
Watson Lake
* Yukon First Nations traditional territories overlap, so in some regions, more than one agreement applies to the same area.
** White River First Nation overlaps 100 per cent with Kluane First Nation Traditional Territory
*** Ross River Dena Council overlaps 100 per cent with Liard First Nation Traditional Territory

Yukon First Nations Land-Claim Status, August 2004

KEY PROVISIONS OF THE UMBRELLA FINAL AGREEMENT WITH THE COUNCIL OF YUKON FIRST NATIONS

Settlement Lands

- lands included in Yukon First Nations settlements total 41 595 square kilometres (8.5 per cent of the Yukon's total land area)
- 25 900 square kilometres of settlement lands include ownership of minerals and oil and gas

Financial Settlement

- $242 673 000 (1989 dollars)

Self-Government

- each First Nation to negotiate its own self-government agreement

What Triggered Negotiations?

As in Quebec and the Northwest Territories, industrial development spurred Yukon First Nations to action. In the mid-1960s, oil and mining companies had begun moving into their traditional territory. Neither the government nor the companies consulted First Nations about the developments. Most First Nations in the region believed they had much to lose and little to gain from industry in their territory.

To these First Nations, the oil and mineral boom carried echoes of the Klondike Gold Rush. Between 1896 and 1900, an estimated 60 000 people had flooded into the Yukon. By 1905, most of them had left. First Nations benefited little from the boom. They worried that the new rush for resources would once again both overrun and overlook them.

Negotiating the Agreement

From the beginning, the council insisted that it represented not only First Nations people with status, but also First Nations people without status. *Together Today for Our Children Tomorrow* described involuntary enfranchisement as "one of the most unfair tricks ever used to wipe out a race of people." Eventually, the council joined with the Yukon Association of Non-Status Indians and officially took over the role of representing all Yukon First Nations.

Negotiators reached a tentative agreement in 1984, but the council rejected it. The council objected to the idea of extinguishing Aboriginal title in exchange for the agreement. In addition, the agreement left out First Nations people without status.

Negotiations resumed after the federal government released a new claims policy in 1986 that removed the requirement that Aboriginal title and rights be extinguished in any final agreement. Within two years, the parties had reached an Agreement-in-Principle. They signed the Umbrella Final Agreement on May 29, 1993. All except two First Nations in the region have or are in negotiations for final agreements. The Liard and Ross River First Nations have decided to pursue their claims through the court system.

BRITISH COLUMBIA LAND CLAIMS

British Columbia had a long history of refusing to negotiate land claims, and now has a lot of catching up to do. By 2004, fifty-three First Nations (124 bands) had begun negotiating land claims. This represents about 70 per cent of B.C.'s Aboriginal population. Areas in British Columbia that were included in Treaty Eight and the Douglas Treaty are also being renegotiated so that all First Nations in the province will have similar settlements.

In an effort to move negotiations forward more quickly and efficiently, the provincial and federal governments, with First Nations input, created the British Columbia Treaty Commission in 1992. The commission operates at arm's length from both government and First Nations interests. It helps co-ordinate meeting schedules and deadlines, distributes loans and grants to help First Nations research and prepare their claims, and offers advice to all parties.

REFLECTION

Why are British Columbia land claims in a unique situation compared to other claims in the western provinces?

DETAILS OF THE NISGA'A FINAL AGREEMENT

Nisga'a Land-Claim Settlement Area, 1998

The Nisga'a Final Agreement, initialled August 4, 1998, represented not only justice, but poetic justice as well. The Nisga'a — a relatively small group of people, today numbering less than 6000 — did much to further land claims for First Nations across the country.

The Nisga'a petition in 1913 was the first land claim in Canada. In the 1970s, their court battle for Aboriginal title, the Calder case, overturned decades of inaction and denial by federal and provincial governments. In addition, the Nisga'a made these breakthroughs in British Columbia, the only province that consistently denied Aboriginal title. In many ways, Nisga'a patience and persistence have come to symbolize Aboriginal rights struggles in Canada as a whole.

Between 1976, when the federal government first began negotiations with the Nisga'a, and the final agreement in 1998, the negotiations included more than 500 meetings and public events. The Nisga'a accepted about 2000 square kilometres of land, including surface and subsurface resources. Although this sounds like a huge area, it is actually only about 8 per cent of what the Nisga'a originally used as traditional territory. The agreement also included a cash payment of $190 million. In return, the Nisga'a agreed to phase out their tax-free status over the subsequent twelve years.

Significantly, the agreement combined a land claim with constitutionally protected self-government — the first agreement in Canada to do this. This means that Nisga'a self-government cannot be changed or taken away unless the federal government, the provincial government, and the Nisga'a all agree.

To the Nisga'a people, a treaty is a sacred instrument, the legal framework for a new society based on self-reliance and self-actualization. Fairly and honourably negotiated, the treaty represents a major breakthrough for aboriginal self-determination — one of the most pressing issues in contemporary Canada and around the world.

— Dr. Joseph Gosnell, leader of the Nisga'a negotiating team

REFLECTION

The Fraser Institute, an independent public policy organization, criticized the Nisga'a Final Agreement. Research why and form your own opinion about its arguments. Write your support or rebuttal in an essay.

NUNAVUT LAND CLAIMS AGREEMENT

In 1976, the Inuit of the eastern Northwest Territories presented a claim to the federal government. The Inuit Tapirisat of Canada (ITC) proposed a new boundary to divide the Northwest Territories and create a new territory called Nunavut, which means "Our Land" in Inuktitut.

For the next seventeen years, the ITC and then the Tunngavik Federation of Nunavut (TFN) negotiated with the federal government. In 1993, the negotiators signed the Nunavut Land Claims Agreement. The agreement marked the largest comprehensive land-claim settlement in Canadian history.

Self-Government in Nunavut

The creation of Nunavut, on April 1, 1999, represented more than two decades of work by Inuit in the eastern Arctic for greater self-determination. Along with land and financial arrangements, the Nunavut Land Claims Agreement also gave Inuit people the right to be major participants in the creation and development of Nunavut. Nunavut is a public government, which means anyone — Aboriginal or non-Aboriginal — can run for or hold public office. This is the same as other governments in Canada, where there are no special restrictions on the ancestry of who can hold office. Yet this government still provides effective self-government for Inuit people. This is because 85 per cent of Nunavut's population is Inuit. By voting and running for office, Inuit people exert effective control of Nunavut's government.

The Nunavut Land Claims Agreement gave Inuit ownership of 350 000 square kilometres of land, including mineral rights to an area of 37 000 square kilometres. It also included $1.17 billion in financial benefits over fourteen years, plus a share of resource royalties. Like other major land-claims agreements, it also gave Inuit people input into wildlife and resource management.

Compare the photographs of the Nunavut legislative chambers (top) and that of the House of Commons (bottom). How does the Nunavut seating arrangement reflect an Aboriginal worldview? Based on the seating arrangement in each photograph, what differences would you expect to see in the operation of each government?

As of 2004, Premier Paul Okalik is Nunavut's only Inuk lawyer. The Akitsiraq Law School intends to change that. Akitsiraq *means "to strike out disharmony and wrongdoing and to render justice" in Inuktitut. The school is a one-time program that is allowing a group of Inuit students to complete their law degrees while living in Nunavut. The students began their studies in 2001. Here, Rector Gilles Patry and Dean Bruce Feldthusen chat with students Susan Enuaraq and Sandra Inutiq at a reception for Akitsiraq Law School students at the University of Ottawa.*

In October 1999, the Nunavut government and the Nunavut Tunngavik Incorporated (NTI) signed a protocol stating that the Inuit people of Nunavut could assert their Aboriginal right to self-government through the Nunavut government. The NTI is an organization that ensures Inuit economic, social, and cultural well-being through implementation of the Nunavut Land Claims Agreement.

To ensure that it fulfills this agreement, the Nunavut government has developed policies in almost all areas of its jurisdiction. A discussion of some of these policies follows.

Culture

For Inuit self-determination to be realized through public government, policy development and operations need to be culturally sensitive. In 2003, the government set up a council of community representatives to advise the government on Inuit *iliqqusituqangit*, which means "what has been known for years, a deeper knowledge." This cultural policy will provide the principles, values, and traditional knowledge upon which government decisions will be based. The advisory council intends that Inuit *iliqqusituqangit* will develop a government open, responsive, and accountable to Inuit people.

Economy

In 2000, the Nunavut government and the NTI announced a series of economic policies to promote Inuit self-sufficiency. Locally owned businesses are given preference when the government awards contracts. Government incentives are given to companies that employ Inuit workers and companies are penalized when their commitments to employ Inuit people are not met.

Education

Education is the largest expenditure in the Nunavut budget. The government is committed to increasing funding so that all children in its territory have access to a good education. New programs are increasing the presence of Inuit culture in schools. For example, Elders in the School is a program that brings Elders to schools to teach students about Inuit culture and history.

Indigenous Knowledge

The Inuit Tapiriit Kanatami (ITK) — formerly the Inuit Tapirisat of Canada — proudly proclaims that Canada's Inuit people are living in a "post-land-claims era." Four land-claims agreements encompass the wide Arctic region Inuit people have called home since time immemorial:

- James Bay and Northern Quebec Agreement November 11, 1975
- Inuvialuit Final Agreement June 5, 1984
- Nunavut Final Agreement May 27, 1993
- Labrador Final Agreement May 26, 2004

Visit the ITK Web site at *www.itk.ca* to see a map of each region. Why do you think the Inuit were able to settle their land claims while many other Aboriginal groups struggle to have their concerns addressed?

Justice

Nunavut's justice programs are sensitive to Inuit values and customs. For example, the territory has only one level of court system, reflecting Inuit tradition. Community justice committees and community-based justices of the peace divert cases from the court system as much as possible. Land-based camps have been created for offenders to learn more about traditional Inuit lifestyle. The Nunavut Law Review Commission, composed mostly of Elders, is reviewing laws and recommending changes to make them reflect Inuit custom.

Public Service

The Nunavut government is committed to building a public service that reflects the Inuit majority. To achieve this, the government is decentralizing its operations into communities outside the capital city of Iqaluit. Training programs are increasing the number of qualified Inuit workers in the public service. At the end of 2002, the government reported that about 50 per cent of its public service employees are Inuit. Its target is 85 per cent.

Issues for Investigation

RESEARCHING COMPREHENSIVE CLAIMS

What issues are involved in land-claims negotiations and settlements?

WHAT TO DO

1. Working with a partner, research the details on one of the comprehensive land claims that you have learned about in this textbook. These include the
   - James Bay and Northern Quebec Agreement, 1975
   - Agreement in Principle with the Dene and Métis of Treaty Eleven in the Northwest Territories, 1990
   - Council for Yukon Indians Umbrella Final Agreement, 1993
   - Nunavut Land Claims Agreement, 1993
   - Nisga'a Agreement, 2000

   If you prefer, choose another comprehensive claim, such as the Innu Nation Claim of Newfoundland and Labrador that was first submitted in 1978.
2. Conduct an online research of the claim history, negotiations, and current status. If there is a final settlement, what have been the results for Aboriginal peoples and others? Two Web sites that may be helpful starting points are
   - Indian and Northern Affairs *www.ainc-inac.gc.ca*
   - Aboriginal Canada Portal *www.aboriginalcanada.gc.ca*
3. Create a Web site using an electronic program such as Front Page™ that illustrates the timeline of events, significant individuals involved in the negotiations, any complications during the negotiation process, main ideas of the agreement, and the impact of the land claim.

LOOKING BACK

Name at least two points from each settled comprehensive land-claim settlement you studied on pages 143–155 that make it unique. What issues and resolutions were similar?

Chapter Four Review

Check Your Understanding

1. Why do some First Nations object to the term *land claim?*
2. What was the first Aboriginal land claim in Canada?
3. What is the difference between ceded and non-ceded lands? How do First Nations view ceded land differently from the federal government?
4. How did the 1876 Indian Act affect land claims?
5. How did the 1927 amendment to the Indian Act affect First Nations land claims? Why did the government made this amendment?
6. Why was 1951 an important year for First Nations land claims?
7. Explain the significance of the Calder case for Aboriginal land claims.
8. What were two complaints Aboriginal peoples had about the federal government's *In All Fairness: A Native Claims Policy?*
9. To what federal government office do Métis and non-status First Nations people address their concerns? When was this office opened and why?
10. Outline the steps that Aboriginal groups take when launching a land claim.
11. What are the differences between comprehensive and specific land claims?
12. What problems are created when land claims remain unsettled for years, decades, or longer? Provide specific examples.
13. How have changes in the lifestyle of Aboriginal peoples made land claims important to their livelihood?
14. What does it mean to "take treaty"? What does it mean to "take scrip"? If you were placed in the position of choosing between the two today, which would you choose? Explain your choice using historical examples.
15. Why does the Oka crisis stand out in land-claims history?
16. What is a Status Indian? How does having status impact a person with First Nations ancestors?
17. Why is self-government an important issue in land-claims negotiations?
18. Create a chart that includes the key conflicts and resolutions of the following land-claims agreements:
    - James Bay and Northern Quebec Agreement
    - Agreement in Principle with the Dene and Métis of Treaty Eleven in the Northwest Territories
    - Agreement in Principle with the Council of Yukon Indians
    - Nunavut Land Claims Agreement
    - Nisga'a Final Agreement

Reading and Writing

19. In your opinion, how fair was the *In All Fairness: A Native Claims Policy?* Explain your opinion in a paragraph.
20. Many of the problems affecting contemporary Aboriginal peoples result from decisions made by people long ago. Resolving today's issues can be difficult and can result in further injustices. Write an essay titled "Finding Justice for Aboriginal Peoples in the Twenty-First Century." Use specific examples that you have learned about in this textbook, additional research, and current events to form a thesis and express your opinion on this topic.
21. What role do natural resources play in land claims? Find three specific examples in this chapter and create a PowerPoint™ presentation that illustrates the impact that characteristics of the land itself have on the way and speed with which land claims are negotiated and settled.

Viewing and Representing

22. Create a work of art or performance that is titled The Value of Land. Include as many different perspectives as you can, but also include your own ideas and perspective.
23. Draw a concept map showing the structure of Métis Settlements self-government. Visit the Métis Settlements General Council Web site at *www.msgc.ca* to find more detail or, if possible, use protocol to request a classroom visit from a Métis Settlement councillor. What powers does each level of government have? How do these powers compare to the Core Areas of Jurisdiction listed on page 100, as identified by the Royal Commission on Aboriginal Peoples? Why were the settlements able to resolve their land claim when other Métis people have not been?
24. How can settling land claims lead to self-determination? Create a poster that demonstrates the significance of land claims for Aboriginal peoples, including the considerations that follow:
    - political value
    - economic value
    - social value
    - cultural value
    - educational value
    - spiritual value

Going Further

25. As a class, role-play a land-claims negotiation. You might choose one of the land-claims settlements discussed in this chapter or create an imaginary land-claims negotiation with a scenario described by your teacher. Assign some or all of the roles that follow amongst your class members:
    - Aboriginal leaders
    - Aboriginal community members
    - provincial and federal government representatives
    - local landowners (could be Aboriginal, non-Aboriginal, or both)
    - natural resource entrepreneurs (could be Aboriginal, non-Aboriginal, or both)
    - non-Aboriginal community members
    - members of another minority group
    - members of the media

    Your teacher can act as mediator. Your goal is to represent the various perspectives of those involved in the negotiation. Be careful that your portrayal focuses on the issues, not the personalities of the people whose views you represent. Consider what you have read throughout this chapter about the motivations and interests of all parties involved. Following the simulation, discuss the questions that follow:

    (a) How easy/difficult were the negotiations?
    (b) What were the most difficult issues to solve?
    (c) What emotions did you experience during the role-play? How did your emotions affect your decision making?
    (d) How easy was it to relate to other people's perspectives?
    (e) Which groups, if any, seemed to have more power? Less power? How can you explain the imbalance of power?
    (f) How was the dispute resolved? Were all parties satisfied with the resolution? How did you handle people who disagreed with the settlement?
    (g) What did the simulation teach you about negotiations?

LOOKING BACK

With a partner, answer the focus questions that began this chapter on page 108.

CHAPTER FIVE

In Canadian Society

AS YOU READ

As First Nations, Métis, and Inuit peoples assert their rights to land, self-determination, and self-government, they increasingly claim a place as an active, integral part of Canadian society. But what does it mean to be a part of Canadian society? What does it mean to be apart or excluded from Canadian society?

In the passage that opens this chapter, Jenine Dumont describes stereotypes that she has encountered as a Métis person. A stereotype is a rigid belief about certain groups of people.

Dumont published "I Didn't Know I Was Different" in1990 in *Writing the Circle: Native Women of Western Canada*. The author's expressions and choice of words, such as *Indian*, have been respected in the essay that follows. Do you think her writing would have the same effect if the words *First Nations person* were used to replace *Indian?* How and why would the story be different? What does this tell you about the connection between language and stereotypes?

FOCUS QUESTIONS

As you read this chapter, consider these questions:

- What is mainstream Canadian society and how are Aboriginal peoples a part of it?
- What are stereotypes?
- What roles do language and the media play in perpetuating stereotypes?
- What is discrimination?
- How are Aboriginal peoples breaking down cultural barriers such as stereotypes and discrimination?

I Didn't Know I Was Different

Excerpt from an essay by Jenine Dumont

I was born in 1944 to Gabriel Dumont and Victoria Lafromboise at Duck Lake, Saskatchewan. My father was a grandnephew of the famous or infamous Gabriel Dumont of the Northwest Rebellion. To the Métis, Gabriel Dumont was always considered famous, but as a child I interpreted from history that the accepted adjective was infamous….

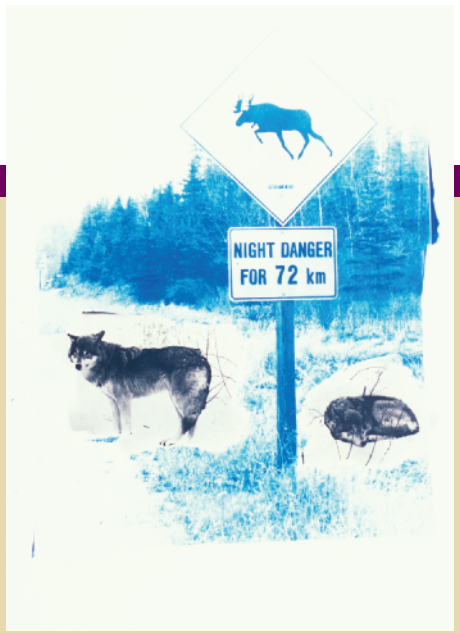
On April 9, 1950, Easter Sunday, my youngest sister was born. When my mom brought her home, I said "She looks like an Indian." I didn't know I was part Indian, and it was two years before I knew….

My brother was in grade seven, and they happened to be studying social studies one day when Duck Lake and the Rebellion was discussed. The teacher, who knew our family, asked my brother if that was where our father was from. His reply was "Yes, they're all a bunch of Indians there."

Nothing more was said, but a few days later or perhaps the next day the kids started teasing us, calling us Indians and half-breeds! This went on for some time. I couldn't understand why the teacher did not stop them, although the teasing occurred at lunchtime and recess…. My brother skipped school a lot that year and eventually dropped out. He was fourteen years old.

That was when I realized I was part Indian. I believe that was also the first time my father talked to me about being proud of my heritage. Over the years, he would often say "Hold your head up high and be proud; it doesn't matter what they say."

I was particularly close to my father and believed him, so I did as I was told.



In 1997, Aboriginal artist Mary Anne Barkhouse created a series of images called Wolves in the City. *Two of the series are shown here:* Parliament Building *and* Danger Moose. *Most of the images place wolves in an urban or other human environment. In her statements about the work, Barkhouse draws a connection between wolves, which are increasingly displaced from their natural surroundings, and Aboriginal peoples.*

I walked that way so much that in high school people thought I was a snob; I really was shy and afraid of being hurt. I had some difficulty being proud of my Indian ancestry, as there were constant reminders that Indians were inferior. My own mother referred to Indians as *les sauvages* "the savages," as if they were inferior. I remember thinking "Why are you saying that, we're part Indian too!" I got a lot of mixed messages….

I think the prejudice I was exposed to as a child affects the way I interact with people as I am not an open person and do not make friends easily. When I compare myself to my sisters, who did not suffer the same prejudices I did, I find them to be much more open and congenial. I would like to think there is less prejudice in the world, but is there? I have a ten-year-old son writing a story about an Indian chief who killed a white man's wife and then this white man relentlessly hunts down the Indian. The story is supposed to take place 100 years ago. I guess the stereotypes are still there. Where else would this ten year old get his ideas?

REFLECTION

1. Jenine Dumont's story is powerful partly because of her willingness to share painful personal experiences and partly because her language choices convey the power of stereotypes to infect even people who are stereotyped. Read over Dumont's essay carefully to find examples of stereotypes. What makes them stereotypes? Who holds the stereotypes in her story? How are the stereotypes conveyed? What are the stereotypes' effects?
2. How did stereotypes affect Jenine Dumont's self-esteem and self-confidence?
3. In *Wolves in the City*, how does Mary Anne Barkhouse represent the position of Aboriginal peoples in Canadian society? How does Barkhouse's perspective relate to Jenine Dumont's? Give specific examples from the works to support your answer.

Alienation in Canadian Society

AS YOU READ

Jenine Dumont's writing shows her feelings of alienation from her peers, community, and even family members. An individual feels alienated when he or she feels isolated from a social group. What does it mean to feel alienated from Canadian society? What does it mean to feel a part of Canadian society? Pages 160–171 explore the cultural composition of Canadian society today and the kinds of cultural barriers that can prevent certain groups of people from being full participants.

Before you begin reading, think about a situation in which you have felt part of a group — a time when you had a strong sense of belonging and acceptance among the people around you, whether they were friends or family or both. Now think about a time when you felt excluded or shut out for some reason. Write about your experiences, paying attention to the emotions each experience generated in you. If either type of experience was a normal part of your everyday life, how would your self-esteem, energy, sense of optimism, and confidence be affected?

In the 2001 Census, Canadians listed more than 200 cultural groups in answer to a question about how they identify their cultural ancestry. A census is an official count of the population. It collects various kinds of information, such as age, income, religion, education, and cultural background. One of the conclusions Statistics Canada drew from the 2001 Census data was that Canada is becoming more culturally diverse, although the degree of diversity varies from place to place in the country.

Some people criticize multiculturalism as allowing only a surface cultural acceptance, such as traditional clothing, songs, and dances at special occasions. Here a dancer from the White Buffalo Dance society performs at Edmonton's Heritage Festival in 2001. In your opinion, does Canadian multiculturalism support meaningful cultural acceptance? What evidence do you have to support your answer?

Canada is a multicultural society. The term *multiculturalism* has many meanings, depending on its use and context. In Canada, multiculturalism is an official federal government policy. It was introduced in 1971 to recognize and promote the cultures of Canadians whose origins are not one of the two dominant cultures, British and French. Multiculturalism supports the idea of a **heterogeneous** society in which people freely practise their own cultures and speak their own languages.

Historically, most Canadian immigrants have come from European countries. At first, French and British immigrants were most common, but later immigrants came from many other European nations. In the last fifty years, however, the European proportion of new immigrants has dropped, while the Asian proportion has grown significantly. Today, the majority of new immigrants to Canada come from Asia.

Despite the official policy of multiculturalism, Euro-Canadian values and beliefs dominate the institutions, values, and priorities of Canadian politics, economics, and society. These Euro-Canadian values are believed to reflect those of the majority of the population. Within a Euro-Canadian worldview, the views of the majority take priority over those of minority groups.

MAINSTREAM SOCIETY

Mainstream describes the ideas, values, and ways of behaving that are accepted by the majority of a country's people. Many countries are **homogeneous**, which means the majority of the people belong to a single cultural group — the Japanese in Japan, for example. This shared culture means a shared worldview in most respects. People sharing a worldview generally have a bond of community and understanding, which in turn reinforces their worldview. For example, if everyone around you believes the world is round, your own belief that the world is round is reinforced to the point that you consider it to be the only belief possible. Of course, in all societies there are individuals who do not share the ideas of the majority. However, the rules and systems of a democratic society generally reflect the worldview of the majority.

Before the nineteenth century, First Nations and Inuit worldviews reflected the views of most people in North America. First Nations and Inuit cultures were diverse, but shared enough characteristics that various nations understood one another and generally co-existed peacefully. However, after Confederation in 1867, people of European ancestry increasingly dominated the cultural mix. Euro-Canadian worldviews became the views guiding Canadian government, economics, and society. These worldviews became mainstream.

ASSIMILATION

People who do not belong to a mainstream group sometimes adopt mainstream values in order to fit in and be part of the dominant group. In other words, they assimilate into the mainstream. Assimilation can be a natural process that occurs as individuals and cultures adapt to change. For example, many First Nations had traditions of marrying people of different nations or clans to build alliances. When this happened, one individual would leave his or her family in order to join another group. In this case, the newcomer would generally adopt some or all of the ways of life of his or her in-laws. Sometimes the mainstream will change in order to make room for new ideas but, generally, smaller groups adapt to larger groups.

To better understand why assimilation happens, imagine a river flowing by — the main stream. Is it easier to swim in the direction the water is travelling, or to swim upstream? Obviously, it is easier to "go with the flow." Yet, if you want to go upstream or directly across the river, travelling with the mainstream will not actually take you where you intend. Furthermore, if there are fences that prevent you from even getting into the water, you might end up stuck where you are.

Many immigrants to Canada wish to belong to the mainstream. They might learn English or French, attend hockey games, and generally try to fit in, becoming a part of the culture around them.

The citizenship affirmation ceremony, such as the one shown here, is a significant milestone in the lives of immigrants to Canada. Many people invite friends and family to celebrate their entry into Canadian citizenship. During their land-claims negotiations, Nisga'a leaders sometimes referred to "negotiating their way into Canada." With a partner, contrast these two ways of becoming part of Canada.

Others resist the pull of mainstream society and try to maintain their cultural practices, even though these make them different.

First Nations, Métis, and Inuit peoples are in a special position because they are the only minority cultural groups in Canada that are not immigrants. First Nations and Inuit cultures were the dominant cultures in North America for centuries before any newcomers arrived, and the Métis Nation originated in this country. Despite many government policies that encouraged or tried to force Aboriginal peoples to assimilate into the mainstream, most did not.

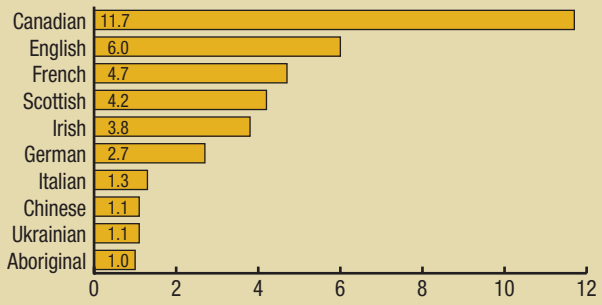
Issues for Investigation

THINKING CRITICALLY ABOUT CENSUS INFORMATION

Statistics Canada conducts a census of the Canadian population every five years. The information is used by governments and businesses to understand the kind of people who live in Canada. This helps them make plans about the best products and services needed today and in the future.

The accuracy of the census depends upon the individuals who respond. For example, the cultural backgrounds reported in the census are how people identify themselves. This means people may report that they are from one culture, even though their background may include several. They may also report more than one culture, if that is how they identify themselves.

TOP TEN CANADIAN CULTURAL BACKGROUNDS (in millions of people)



What is the significance of census information for Aboriginal peoples?

WHAT TO DO

1. Visit the Statistics Canada Web site at *www.statcan.ca* and locate information related to Aboriginal peoples from the latest census. Also review sections of the Web site related to education and *The Daily,* which presents summaries of significant information. Of particular interest to you will be the 2001 Aboriginal Peoples Survey.
2. Write a one-page report on a portion of the census data that you believe has significance for Aboriginal peoples and their place in Canadian society. Present at least some of your information using a graph or chart. Keep your summary clear and concise.
3. Look at the information carefully to find any details about the specific portion of the Aboriginal population surveyed. For example, some information might be gathered only from First Nations people living on reserves or from all Aboriginal peoples living in urban areas. Why is considering these details an important step in using census data to draw conclusions?

Thinking About Your Project

As a class, discuss circumstances that might prevent people from taking part in the census, such as living in isolated or remote locations, not being able to read, not having a telephone, and so on.

CULTURAL BARRIERS

Today, Aboriginal peoples have more control over the degree to which they adopt mainstream cultural ideals. Many wish to adopt some or even many elements of mainstream society. Others prefer a more traditional way of life. At stake for individuals is the freedom to choose. Aboriginal peoples have the right to be fully contributing members of Canadian society, while retaining their cultural identity as Aboriginal people. It is the right to participate, but remain different.

However, cultural barriers, such as those described by Jenine Dumont on pages 158–159, prevent many Aboriginal people from playing a strong role in Canadian society. Some Aboriginal people (and members of other groups) feel a sense of alienation from the rest of Canadian society.

Throughout history, many groups have been the subject of stereotypes. A **stereotype** is a rigid, oversimplified, often exaggerated belief that is applied to groups of people. People do not necessarily have to belong to a minority group to suffer the consequences of stereotypes. Women around the world continue to fight stereotypes in order to gain equal political, economic, and social opportunities in their countries.

Stereotypes overlook cultural differences between groups, as well as individual differences among people. For example, the idea that First Nations people once wore feathered headdresses and rode horses across the prairie is a stereotype that has been applied to all Aboriginal peoples, even though this form of dress and habitat was not part of most Aboriginal peoples' cultures.

Most Canadian immigrants live in cities, and many seek out other people with the same cultural background. Newcomers feel more comfortable living in areas where they can speak familiar languages and practise familiar customs. Calgary's Chinese community built this Chinese Cultural Centre to serve as a gathering place.

Stereotypes emerge for a variety of reasons. At their simplest level, they are generalizations that help explain other people's behaviour, especially people who are perceived to be different in some way.

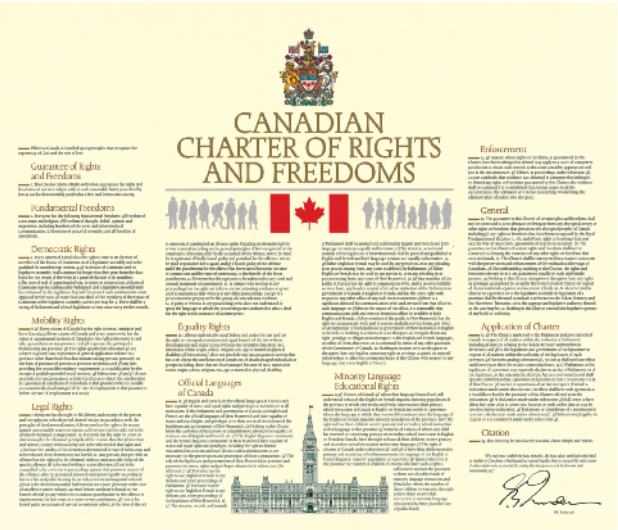
It can be difficult to really get to know an individual from another culture if stereotypes stand in the way. The stereotype forms a lens through which the other person appears odd and unfamiliar. Even getting to know an individual from a stereotyped group may not dispel stereotypes, since the individual might be seen as an exception.

Some stereotypes are not necessarily negative, such as the stereotype that women are naturally nurturing. A nurturing tendency is not a negative quality, but even this stereotype can be a problem, because it does not allow for individual differences. Some women are highly nurturing and others are less so. Stereotypes, whether they are positive or negative, are harmful to individuals, groups, and society. They do not allow individuals the freedom to express their unique gifts.

Discrimination

Stereotypes reinforce prejudiced attitudes. **Prejudice** is a preconceived idea about an individual or group. Most prejudiced ideas are unfavourable, and may lead to discrimination. **Discrimination** occurs when people treat others unequally because they perceive one group of people as inferior to another. Discrimination creates barriers that prevent groups of people from full participation in a society's activities and rewards. Prejudice can exist without discrimination. For example, a person might hold racist ideas but not act upon them. When people judge others *and* treat them unfairly, they engage in discrimination.

Stereotypes often generalize unfavourably about a group's culture, practices, or values. This helps form a cultural bias in which one culture is favoured over another. Stereotypes and cultural biases are often used to provide justification for discrimination.



How did the Canadian Charter of Rights and Freedoms affect blatant discrimination? Why is subtle discrimination more difficult to change?

Discrimination can operate at different levels and in different ways. It can be overt or covert, conscious or unconscious, institutional, subtle or blatant, and verbal or non-verbal.

Overt discrimination takes the form of obvious behaviour or verbal acts. An example of overt discrimination would be if a person were refused entry into a business because of his or her cultural background.

Covert discrimination is more hidden and, therefore, more easily denied or discounted. An example of covert discrimination might be a woman not getting a job because of her gender. She might never know why she did not get the job.

People sometimes create overt or covert pressures that discourage members of a particular group from living in a certain neighborhood or prevent them from gaining employment, education, or social services.

A person may discriminate against another consciously or unconsciously. For example, someone may consciously choose not to hire an individual because they believe a negative stereotype. However, a person might only hire people from their own cultural group simply because they feel more comfortable with them. In many cases, this may be unconscious discrimination.

Discrimination can also be institutional. A government or business that does not provide easy wheelchair access makes it more difficult for part of the population to receive its services. Similarly, a government department that requires people to fill in a lengthy form filled with legal language may discriminate against people with lower reading levels.

Degrees of discrimination can also be measured. Blatant discrimination is generally conscious and deliberate. Such discrimination is against Canadian law, so it is less frequent. Subtle discrimination, like covert discrimination, can be much more difficult to detect. For example, if a For Rent sign on an apartment declares that no minority groups can apply, it would be considered blatant, overt discrimination. It would be against the law, and the landlord could be taken to court.

However, if the sign just says For Rent and the landlord never rents the place to any minority groups, there would not necessarily be proof that discrimination against minority groups was taking place. The landlord might have any number of reasons for not renting to specific people. His or her reasons may or may not have anything to do with the minority or other group the rental applicant is part of.

Verbal and non-verbal communication can promote or dispel discrimination. Verbal discrimination, such as a racist joke or slur, is clear. Non-verbal communication is behaviour that does not rely on written or spoken words. Non-verbal communication can undermine even the strongest verbal message. For example, an individual might smile and say that he or she respects a minority group, but non-verbal cues such as rolled eyes, a sigh, or stare can betray another attitude altogether.

In the worst cases, discrimination is used to exploit or manipulate a political, economic, or social situation at the expense of another group.

THE COLUMBUS CONTROVERSY

In 1992, 500 years after Christopher Columbus reached the Americas, many countries wanted to celebrate his "discovery of the New World." Aboriginal groups from North, Central, and South America were nearly unanimous in their condemnation of the idea. Many asked why the beginning of their cultural domination by Europeans should be celebrated.

In addition, they declared that Columbus's arrival to the lands that their ancestors had called home for centuries was not a "discovery."

Although some people argue that these are "just words," these particular words create cultural barriers that exclude the perspective of an entire group of people.

When used with sensitivity, language promotes openness and trust among individuals and groups. It can affirm the belief that everyone should be treated fairly and equitably. Such language is sometimes called inclusive. Inclusive language helps ensure that everyone feels important and included in a wider community.

Today, many people make a conscious effort to avoid language that may offend or exclude other people on the basis of their gender, sexual identity, class, cultural background, appearance, age, or ability.

On November 23, 2003, Lee Curotte, of Kahnawake, installed a banner reading Columbus Invaded America *on a statue of an Massasoit, an Aboriginal leader who helped the first pilgrims who arrived to the United States. Curotte was part of an annual protest in Plymouth, Massachusetts, each Thanksgiving to talk about the status of indigenous peoples in the Americas.*

REFLECTION

As a class, discuss examples of inclusive language. Research the controversy over Columbus further. Write a paragraph exploring how the phrase *discovery of the New World* perpetuates stereotypes.

PROFILE

WILLIE LITTLECHILD

Ermineskin First Nation

Willie Littlechild

When speaking about racism, special status, and land claims, lawyer J. Wilton "Willie" Littlechild mentions a little Cree word that means a lot.

"*Skungun*. It means that at treaty-time, we agree to share everything — in this case we're talking about surface rights to land — but you reserve a small portion to use for yourself, for ceremonies and traditional pursuits, for example," explains Littlechild, who practises law in Hobbema, Alberta.

"When politicians and leaders say 'we should all be equal' it sounds very good. But what they're saying is that indigenous peoples should not have any unique or special rights at all. Yet indigenous peoples, generally, have a special, spiritual relationship to Mother Earth.

"When Elders and traditional people hear politicians talking about doing away with reserves and making us all equal, you can see pain in their faces. We need the land for our ceremonies and sanctuary. It is a part of us. We have a spiritual connection that doesn't seem to be taken into consideration by the dominant society, which looks at land as so much real estate and in terms of what it can yield for profit."

Littlechild, the first Treaty Indian from Alberta to graduate from law school in 1976, has been active in the international forum for over twenty years, representing the concerns of indigenous peoples in such organizations as the United Nations, the International Labour Organization, and the Organization of American States. Closer to home, he served as the Member of Parliament for the constituency of Wetaskiwin from 1988 to 1993. He has also served on many committees and worked on international forums that promote global recognition of indigenous peoples and their rights. He is especially proud of his key role in helping establish the United Nations Permanent Forum on Indigenous Issues, of which he has been selected as Rapporteur. This position means he is responsible for all reports of recommendations and decisions by the forum directly to the United Nations Economic and Social Council.

Before being called to the bar, Littlechild studied physical education. During his years as an active competitor in hockey, baseball, and swimming, he participated in more than thirty-five provincial, regional, national, and international championships, winning ten Athlete of the Year awards before his retirement from active competition.

Littlechild was often the only Aboriginal athlete on teams playing out of province and off-reserve. Because of this, he was sometimes a target for racial slurs. "In the late 60s, through my involvement in sports, I was introduced to an awareness that there were things more important in life, such as law, racism, and discrimination," Littlechild recalls.

Since then, his international legal involvement has helped to open the doors for racial tolerance. His prescription to end racism is simply "understanding."

According to Littlechild, "It's about exploring the similarities we all have, rather than the differences."

REFLECTION

1. How did Littlechild's involvement in athletics prepare him for a life of leadership in the international community?
2. Littlechild makes a distinction between being equal and being the same. How does this distinction apply to Aboriginal rights in Canada? Why might some people not always understand or agree with this perspective?

THE POWER OF EDUCATION

One way to stop discrimination is to make it against the law. This is effective in stopping obvious forms of discrimination. Changing more subtle forms of discrimination is more difficult, because it relies upon changing attitudes. Teaching people to have empathy and compassion — the ability to imaginatively step into another person's perspective and consider how they might experience the world — is one way education can help prevent discrimination.

Education can also help dispel stereotypes. Once people are aware that certain patterns of thinking are stereotypes, the stereotypes lose their power. However, making people aware of the stereotypes that surround them can be difficult. Stereotypes can be taught and reinforced in subtle ways that are rarely questioned. Pages 167–170 examine some of the tools of stereotypes and ways that they may be used to dispel stereotypes instead of reinforcing them.

LANGUAGE

Language is a set of written or verbal symbols that people use in an agreed-upon way to communicate with each other. It is also a powerful tool that can be used to promote or dispel stereotypes. Words are not in themselves bad or negative. They can become negative because of how they are used.

Because language is composed of symbols, a word is not just a word. Some words can have a meaning that encompasses a long history. If particular words, such as *Indian*, are used consistently in a way that offends or excludes, the word takes on meanings of offense and exclusion.

Stereotypical language often appears in the form of a label. For example, if a person shows up late to a movie, another member of the audience might think "Late people are so inconsiderate." All people who are late have been labelled inconsiderate, regardless of individual circumstances. If the person who is late happens to be a member of a visible minority, the label might be applied to all people of this minority group.

One consequence of such labels is that they can remove people's humanity. Other people are viewed as no more than an adjective, such as lazy, heathen, or inconsiderate.

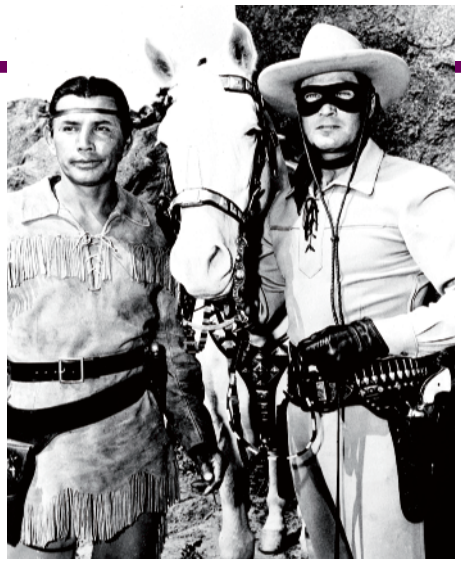
MASS MEDIA

Mass media generally appeals to the masses — the mainstream. The mass media is one of the main sources of information for Canadians. People turn to the media to be informed and entertained. Such media often reinforce commonly held attitudes rather than challenge them. However, used carefully, media such as newspapers, television, and film also have the ability to dispel stereotypes.

Two years ago I was in Spain. We were performing theatre and telling stories. People kept putting their hand up to me and saying "HOW!" No, I'm serious, and I was kinda' getting mad about it. Then my agent told me they weren't being rude to me. It's just all that they knew about Native people… just from what they read in magazines and saw in the movies. It wasn't an insult. So then I felt better.

— Stan Isadore, Driftpile First Nation

Stan Isadore



Some Aboriginal people became successful actors in the early film and television industry, despite discrimination. One was Jay Silverheels, from the Six Nations Reserve in Ontario. He played the role of Tonto in the television series The Lone Ranger. *However, not even Silverheels could escape the stereotypes surrounding his character. Later in life, Silverheels spoke publicly about improving the portrayal of Aboriginal peoples in film and television.*

Many Canadians do not know much about Aboriginal peoples except what they learn in mainstream media. As a result, many stereotypes persist in spite of other gains Aboriginal peoples have made in recent decades.

Film

The Hollywood movie industry helped create and popularize stereotypes about Aboriginal peoples. Early Western movies used many stereotypical images of First Nations. Sometimes actors from mainstream cultures played First Nations characters — the actors wore makeup and played stereotypes, characters not even resembling real people.

Most films portrayed Aboriginal peoples in ways that were historically inaccurate. The movie industry took advantage of stereotypes to heighten the drama of films and to create suspense for their audiences. Portrayals often put First Nations people in the role of "bad guys" working against the good. These portrayals shaped the mainstream public's image of Aboriginal peoples for generations.

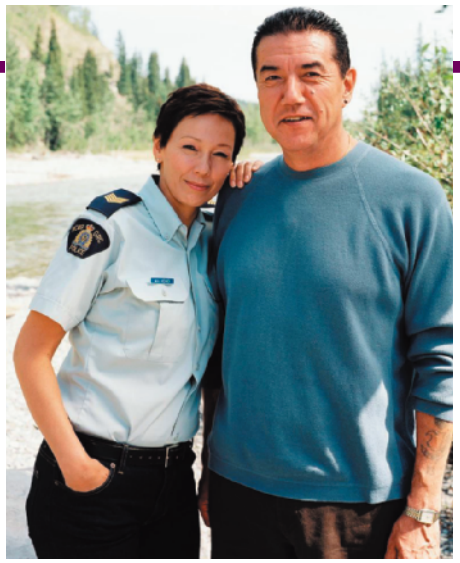
These images sometimes even influenced Aboriginal people's ideas about themselves. Aboriginal people who grew up watching such films sometimes internalized the stereotypes, replacing real knowledge about their own culture.

A new stereotype that is often seen in films presents Aboriginal people as guardians of the environment. Although this is not a negative role to play in society, it is damaging because it presents a picture of Aboriginal peoples that does not take a normal range of individual differences into account.

Television

While few minority cultural groups receive as much news media attention as Aboriginal peoples, this coverage comes at a price. News coverage is more likely to perpetuate stereotypes than dispel them. Aboriginal peoples are often portrayed as having or creating problems that cost money or provoke violence. Few mainstream stories incorporate cultural insights from an Aboriginal perspective.

Pervasive stereotypes in the mainstream have prompted more media programs from Aboriginal people's perspectives, such as the Inuit Broadcasting Corporation (IBC) and the Aboriginal People's Television Network (APTN). The IBC, created in 1981, broadcasts programs produced by Inuit people and programs from other media outlets, sometimes dubbed in Inuktitut.



North of 60 *stars Tina Keeper and Tom Jackson have become familiar faces in homes across Canada. Many people applauded* North of 60 *for putting Aboriginal people on prime time television. If possible, watch a few episodes and write a review that captures your own ideas about the show and its effects on stereotypes.*

The APTN was formed in 1999. Much of the APTN's programming is produced by and developed for Aboriginal peoples. Some programs are in Aboriginal languages.

Aboriginal people also own newspapers, local and regional radio stations, and television production outlets. All are in a position to assert Aboriginal peoples' cultural values and perspectives. These media outlets facilitate communication among Aboriginal groups and help Aboriginal people build or reinforce a positive cultural identity.

A few mainstream media outlets have also made efforts in this direction. In the 1980s and 1990s, the Canadian Broadcasting Corporation made an effort to improve the portrayal of Aboriginal people in television dramas. Shows such as the *Beachcombers* and *North of 60* used Aboriginal actors to portray Aboriginal people. These characters had believable lives and occupations. The shows drew large audiences among Aboriginal people and mainstream audiences. For many mainstream audiences, these programs provide the only information outside of stereotypes that they have about Aboriginal people.

Art and Literature

Many early written and artistic accounts of Aboriginal peoples were from a European perspective. These works often perpetuate historical inaccuracies to this day.

In the late twentieth century, Aboriginal people began to regain control of the words and images that represent them to mainstream society. Today, many Aboriginal people have been acclaimed nationally and internationally for their creative pursuits in art and literature. Noted artists from Alberta alone include Dale Auger, Alex Janvier, Jane Ash Poitras, and Joane Cardinal Schubert. There is a growing recognition that Aboriginal people provide a unique perspective and make important contributions to North American life. These contributions often challenge stereotypes and mainstream misconceptions.

Marketing Media

In recent years, many Aboriginal people have objected to the use of their cultural symbols for inappropriate and insensitive purposes. One pervasive example is the use of Aboriginal cultures for various marketing and advertising purposes.

For example, many professional sports teams — the Atlanta Braves and their famous tomahawk chop; the Cleveland Indians with their

smiling mascot, Chief Wahoo; and the Edmonton Eskimos — use images that reinforce stereotypes or disfavoured language.

It is true that the names and symbols of other cultural groups are also used in similar ways: the New York Yankees, Notre Dame Fighting Irish, and Vancouver Canucks. However, many of these groups have not borne the legacy of stereotyping that Aboriginal people have. This distinction makes a significant difference.

The widespread use of Aboriginal paraphernalia such as tomahawks, feathers, face paint, and drums mock and trivialize their true cultural, historical, and spiritual significance. Teams can adopt marketable names and images without referring to Aboriginal cultures or stereotypes.

HUMOUR AND STEREOTYPES

Don Burnstick

Stereotypes have an inherent "us versus them" mentality. Jokes are especially powerful in reinforcing this. By laughing at another person or group, the laughers share a bond that is enhanced by excluding the target of the joke. Imagine the experience of being in a room of people laughing at you. How did you feel? Now imagine being one of the group who is laughing at someone else. How is this experience different?

Have you ever felt uncomfortable in a group when someone told a joke that reinforced a stereotype? Did you speak up or did you remain silent? It can be difficult to voice an opinion that counters a group's belief system.

Like many other tools that build and reinforce stereotypes, humour can also remove the power from stereotypes. For example, many Aboriginal comedians regularly use stereotypes in their work. Don Burnstick, from the Alexander First Nation, tells "redskin" jokes regularly as part of his routines.

In the National Film Board video *Redskins, Tricksters, and Puppy Stew*, he recalls his first redskin joke: "If you know how to filet bolgna, you might be a redskin." Since that first joke, he's told dozens of others and uses them as a regular part of his routine. He says "the word *redskin* was, and probably still is, racist, but what I did is I jumped into that racism and twisted it and made it funny."

REFLECTION

Why are Burnstick's jokes different from jokes that reinforce stereotypes? Could a non-Aboriginal person tell the same jokes with the same effect? Watch the video *Redskins, Tricksters, and Puppy Stew* to see Don Burnstick and other examples of Aboriginal humour. How can humour dispel stereotypes?

ABORIGINAL IDENTITY TODAY

Aboriginal people live in the contemporary world. Although many Aboriginal people wish to preserve elements of their ancestral heritage, most are not suggesting that they give up the conveniences and pleasures of contemporary life. Even while they might practise traditional activities such as hunting and fishing, and do so in a way that honours their culture's spiritual traditions, they might also want access to modern health care and to enjoy books, television, and movies as other Canadians do.

Carl Brave Rock, a young actor and playwright from the Kainai First Nation, has a personal perspective on this issue. His words express a longing for a cultural identity that is free from old stereotypes. What do you think of his idea that young Aboriginal people today long for a new stereotype? Do you agree or disagree? Why?

Your Project

With a small group, prepare a creative presentation highlighting your own ideas about Aboriginal identity and stereotypes. The medium you choose is up to you. Consider a dramatic presentation, poster, PowerPoint ™ presentation, song, video, Web site, or any other method you think will best express your ideas.

In The First Tourist, *by Inuit artist Kananginak Pootoogook, the tourist gestures to the hunter to "Stop right there!" The resulting snapshot will freeze the hunter in time. What comment do you think the artist is making about mainstream culture's interest in Aboriginal cultures?*

"We're not much different from other people. We all speak English; we all wear the same clothes now; we like driving cars; we like having pretty houses. That's where we get our little identity crisis. What the hell makes an Indian today — if we don't smoke pipes, or if we don't have long braids? … Never lived in a teepee. I don't even own a teepee….The question that now plagues [our people's youth] is, who are we? … It's a subconscious identity crisis, perhaps a longing for a new stereotype rather than the big-nosed, long-haired, mean ol' Indian stereotype known before….

— Carl Brave Rock, in *Elder, Student, Teacher: A Kainai Métissage* by Dwayne Donald

LOOKING BACK

Before moving on to the next section, discuss the following questions with a partner: What is mainstream society? How is multiculturalism a part of mainstream society? What kinds of cultural barriers prevent people from playing a positive role in mainstream society? What roles do the media play in reinforcing stereotypes? How can education fight stereotypes? In the next section, you will look at people who, through example, break stereotypes about Aboriginal people every day.

Breaking Cultural Barriers

AS YOU READ

Despite obstacles such as stereotypes and discrimination, many Aboriginal people have played, and continue to play, positive roles in mainstream Canadian society, as well as in their own communities. These people break down cultural barriers. Their example helps educate non-Aboriginal Canadians about false stereotypes and the diverse contributions Aboriginal peoples can make to society. Their example also serves as a role model for other Aboriginal people. As you read this section, think about how each accomplished Aboriginal person helps build a positive place for all Aboriginal people in Canada.

In the previous section, you learned about the cultural composition of mainstream Canadian society and the kinds of cultural barriers, such as stereotypes and discrimination, that prevent all parts of this society from being full participants. You also learned how education can dispel stereotypes. A powerful form of education is seeing examples of individuals who do not fit stereotyped ideas about their group. Every person who does not conform to a stereotype knocks a chip in it. Over time, with education and awareness, stereotypes can be widely recognized as the rigid and harmful ways of thinking that they are.

NATIONAL ABORIGINAL ACHIEVEMENT AWARDS

It would be impossible to include all Aboriginal people worthy of note in one book. There are too many both past and present. Most never receive any formal recognition at all, which does not take away from their contributions. However, formal recognition of excellence can play a significant part in removing cultural barriers.

The National Aboriginal Achievement Foundation, created in 1985 by Mohawk conductor and composer John Kim Bell, established the annual National Aboriginal Achievement Awards. First given out in 1993, the awards celebrate accomplished individuals in the Aboriginal community, and promote role models for Aboriginal youth. The awards represent the highest honour the national Aboriginal community can bestow upon its achievers, those individuals who have accomplished their goals through self-discipline, drive, and determination.

Past award winners include people such as Pearl Calahasen, the first Métis woman elected to the

The National Aboriginal Achievement Foundation is best known for its awards. However, the foundation is also a major supporter of education for Aboriginal people, providing approximately $2 million a year in scholarship money for Aboriginal young people. How do its awards reinforce the foundation's educational goals?

Alberta Legislature; Dr. Frank Calder, whose court case resulted in significant gains for all Aboriginal land claims; Métis author Maria Campbell; Kainai business leader Roy Fox; and actor Tina Keeper, who is well known for her work on *North of 60*.

First Nations, Métis, and Inuit people who have reached a significant level of achievement in their occupations can be nominated for an award. The career categories for nomination include professional work in community development, education, health services, law and justice, medicine, science and technology, and social services. The awards also recognize work in agriculture, arts and culture, business and commerce, fisheries, heritage and spirituality, media and communications, sports, and youth. A national jury of Aboriginal people selects twelve career achievement award winners, one youth achievement, and one lifetime achievement award recipient each year.

Issues for Investigation

NOMINATING SOMEONE FOR A NATIONAL ABORIGINAL ACHIEVEMENT AWARD

Anyone can nominate an individual for a National Aboriginal Achievement Award (NAAA). In this activity, your class will research worthy individuals, reach a consensus as to which one to nominate, and then go through the process of nominating an individual for an NAAA.

How difficult is it to choose the NAAA winners?

WHAT TO DO

1. Research past winners of National Aboriginal Achievement Awards to get a feel for the qualities and accomplishments necessary to win an award. The foundation has an excellent Web site with concise profiles of past winners at *www.naaf.ca.*
2. Find the steps required to nominate an individual and review them carefully.
3. Find names of potential candidates for awards using your own knowledge, asking family, teachers, and friends for suggestions, reading Aboriginal newspapers, or even by calling local organizations for suggestions.
4. Once you have a number of potential candidates, narrow down your choices until you have just one person to suggest to the class. Prepare a summary of this person's qualifications and accomplishments.
5. As each person in your class presents his or her candidate, listen carefully so that you will be able to pick the one you think will be the best nominee.
6. Determine a method for deciding upon your class candidate. You might decide to use a system of voting or consensus decision making.
7. Work with your teacher to determine all the tasks that must be done in order to complete the nomination process. Sort out tasks as evenly as possible among small groups or individuals.
8. Work with your classmates to prepare and send in your nomination. Be sure it is as polished as possible. You might also wish to send a letter to the nominee to let them know about your nomination.

MAINSTREAM ADOPTION OF ABORIGINAL WAYS

Achievements by Aboriginal people in politics, economics, arts and culture, and many other fields over the last few decades have made a difference in the place of Aboriginal peoples and their cultures in Canada. Parts of Canadian society are becoming more culturally sensitive in their approach to Aboriginal peoples.

In addition, Canadian society is slowly changing to accommodate more Aboriginal beliefs and values. For example, several mainstream government processes concerning Aboriginal peoples are becoming more reflective of Aboriginal cultures. In different regions of the country, tripartite agreements — usually among the federal government, a provincial government, and an Aboriginal government — now apply to self-government, treaties, health and social services, child welfare, policing, youth services, and more.

Alberta singer Laura Vinson has never denied her Métis heritage, but, like many other Aboriginal peoples, has difficult memories of the way she and her people have sometimes been treated. Her newest work reaches deeply into those experiences, speaking to audiences of all backgrounds.

This type of agreement reflects Aboriginal cultures' traditional approaches to decision making, where all parties involved have an equal voice and work together towards a common goal. In reaching such agreements, non-Aboriginal participants learn processes that might be used in other situations. In this way, all Canadians benefit.

Other cultural influences on the mainstream include environmental activism. According to Dunne-za Elder Dominique Habitant, the greatest contribution Aboriginal peoples have to offer mainstream society is that of helping reconcile humankind's place on Earth. Aboriginal peoples can teach mainstream society a lot about respect.

"Respect for yourself, all things, and others besides yourself is what we always ask for," says Habitant. "In decisions, you must take into consideration how you are affecting other organisms around you, and those to come, for seven generations ahead in time. You must always try to be in balance when you walk the Earth." Aboriginal peoples' oral traditions could play a strong role in educating Aboriginal and non-Aboriginal people about living in harmony with the environment.

Though the words *balance* and *respect* have become almost cliché in reference to Aboriginal cultures, they convey a universal truth. Unless humankind considers the consequences of its actions, it stands to wipe itself out and take many species with it. Old and young traditionalists, such as educator and artist Dale Auger, a Sakaw Cree, and Laura

Vinson, a Métis singer, call people from all cultures to find their connection with Earth. They and others like them believe that only this connection will teach people to be more planet-friendly and tolerant of others.

Nowhere is this traditional holistic attitude of respect put to better use than in the provincial judicial system, which is benefiting from the Aboriginal concept of restorative justice. Restorative justice is a traditional Aboriginal method of conflict resolution. It places an emphasis on restoring harmony and making amends rather than punishing offenders.

According to provincial circuit court judge John Reilly, as quoted in the *Calgary Sun*,

> Canadians of European origin and Canadians of Aboriginal origin have a fundamentally different world view. The Aboriginal culture was [traditionally] very community based — [living on the land] required absolute co-operation amongst the people in the community. Instead of seeing an individual as freely, willingly choosing to do wrong and altering or deterring that choice through punishment, [traditional cultures] saw an offending behaviour as a tear in the relationship that binds people together. The objective, then, was to mend the tear, restoring the community to its pre-offence cohesiveness.
>
> The approach was not meant to be soft on crime, but rather to take into consideration the needs of the victim and the community — with active remorse and reparation on the part of the offender.

Restorative justice initiatives are especially effective with young offenders. Youth justice committees are being used in many Alberta communities, and not all of them are Aboriginal. For example, a program called Calgary Community Conferencing helps reduce crime and violent conflict in the city's elementary, junior, and senior high schools. The resolution process involves giving everyone involved a chance to speak about their needs, with the offender eventually suggesting resolutions for the problem.

In schools and in wider society, law enforcers are finding restorative justice to be effective, and adoption of this traditional Aboriginal practice is growing.

Jordin Tootoo is the first Inuk athlete to play in the National Hockey League. On October 9, 2003, he played his first shift for the Nashville Predators. He won a National Aboriginal Achievement Award in 2002.

LOOKING BACK

How has the position of Aboriginal peoples in mainstream Canadian society changed since the 1970s? In your opinion, has this position improved, gotten worse, or stayed the same? Write an essay on this topic that provides examples to support your points from areas such as politics, economics, statistics, and the media. You may want to refer back to previous chapters for ideas.

Chapter Five Review

Check Your Understanding

1. Define *multiculturalism* in your own words.
2. Is your community highly multicultural or are certain groups noticeably larger than others? Explain how you reach this conclusion and factors that contribute to your community's character.
3. Define *assimilation* in your own words.
4. How do stereotypes form?
5. What harm can stereotypes do?
6. How does language contribute to stereotypes?
7. What roles do the mass media play in reinforcing stereotypes?
8. Without using stereotypes, write a description of Aboriginal peoples.
9. Define *discrimination* in your own words.
10. How does discrimination differ from prejudice and stereotypes?
11. What are different levels and types of discrimination?
12. What is institutional discrimination?
13. What are examples of mainstream society's adoption of Aboriginal cultural values? What is the significance of these examples for Aboriginal peoples in Canada?
14. Name at least ten Aboriginal people who you believe have made significant contributions to their communities and mainstream society. Describe briefly the reasons for each of your choices.

Reading and Writing

15. Using the Statistics Canada Web site, create a profile of your own community. Present your data using words, graphs, and charts in a PowerPoint™ or overhead presentation.
16. National Aboriginal Achievement Award winners vary from Douglas Cardinal, a world-renowned architect, to Joe and Josephine Crowshoe, ceremonial Elders from the Piikani First Nation. The numerous categories for awards celebrate achievement in almost every walk of life. Find a local First Nations, Métis, or Inuit person who you think is a good role model for youth. Use the profiles on the National Aboriginal Achievement Awards Web site as a model to write a profile of the person. You may need to request an interview with the individual to get the information you need. Create a class Web site of your role model profiles.
17. Express your own experiences with stereotypes or discrimination in a poem, short story, or essay.

Métis architect Douglas Cardinal's dramatically curved designs are apparent in buildings around the world, including Alberta's Grande Prairie Regional College and the Canadian Museum of Civilization in Gatineau, Quebec. He has won an international reputation for excellence in design and won a National Aboriginal Achievement Award in 1995.

Joe and Josephine Crowshoe were instrumental in preserving their Piikani oral tradition, ceremonies, and language. They were widely recognized as cultural authorities by those inside and outside the Aboriginal community. Josephine, a Holy Woman, was the Keeper of the Natoas (Sundance) Bundle and Joe was the Holder of the Blackfoot Short Thunder Medicine Pipe Bundle. They both won National Aboriginal Achievement Awards in 1998.

Viewing and Representing

18. Create a poster educating people about subtle forms of discrimination.
19. Describe the weekly programming of the Aboriginal People's Television Network. In what ways does it reflect Aboriginal cultures? How does it deal with Aboriginal issues? What role do Aboriginal languages play in its programs? Review a program you think does a good job of presenting Aboriginal people without stereotypes.

Speaking and Listening

20. Research early accounts of First Nations or Inuit cultures written by explorers, settlers, or missionaries in Canada. Find examples of how they viewed Aboriginal peoples. How did their worldview shape their ideas and judgements? Prepare an oral story as if from the perspective of a First Nations or Inuit person meeting Europeans for the first time. How might their worldview impact their impression of the Europeans?
21. In small groups, discuss any experiences you have had with stereotypes or discrimination. How did they make you feel? What did you do in the situation or following the situation? How might individuals handle such experiences with positive outcomes?
22. Hold an anti-discrimination day at your school. Plan creative ways to inform other students about the damage done by discrimination and ways to prevent it.

The television series renegadepress.com *is a dramatic program on the Aboriginal People's Television Network about a group of multicultural inner-city teenagers that operate an online newspaper. The paper deals with issues that affect them and their friends, such as contraception, bullying, anorexia, and solvent abuse. The series breaks down many cultural boundaries and stereotypes as it deals with difficult issues.*

Going Further

23. Brainstorm alternative names and symbols for sports teams that currently use Aboriginal stereotypes or cultural objects inappropriately.
24. Watch a Western film, preferably from the 1950s, 1960s, or 1970s. Re-write a scene in the script to overturn any stereotypical portrayals of Aboriginal people.

LOOKING BACK

Review the Focus Questions on page 158 with a partner and then answer each on your own in your notes. Do you reinforce any stereotypes in your own thinking or behaviour? Think critically and write as honestly as you can about how you see groups of people that are different from you.

CHAPTER SIX

Communities Today

AS YOU READ

Chapter Five described the cultural composition of Canada today and some of the barriers that keep members of some cultures, including many Aboriginal peoples, from fully participating in Canadian society. The degree to which these barriers affect Aboriginal individuals sometimes depends on where they live. Aboriginal people who live in mainstream communities, such as urban areas, generally experience cultural barriers more often. Those living in rural, primarily Aboriginal communities generally experience more cultural acceptance.

Today, more than half of the Aboriginal people in Canada do not live on reserves or in other Aboriginal communities. Many live in urban areas, part of urban Aboriginal communities that are growing each year. The existence of these urban communities increasingly challenges traditional ways of thinking about and dealing with Aboriginal issues in Canada.

As you read this chapter, consider some of the questions that follow: What factors do Aboriginal people consider when choosing where to live? What are the potential advantages and disadvantages of city life? What are advantages and disadvantages of life in Aboriginal communities? How might availability of services affect where people choose to live? What are effective ways of developing and delivering services that address Aboriginal people's rights and needs?

This chapter begins with a song by Shingoose, a singer/songwriter of Anishinabé heritage based in Winnipeg, Manitoba. His thirty-five-year career in music combines European music styles with themes and issues from his First Nations cultural heritage. He often uses humour to depict the conflicts between his First Nations heritage and urban society.

FOCUS QUESTIONS

As you read this chapter, consider these questions:

- Why do some Aboriginal people migrate to urban areas?
- Why do some Aboriginal people choose to live on First Nations reserves, Métis Settlements, and in other Aboriginal communities?
- What knowledge and skills are needed for urban living?
- What services are available for Aboriginal people and how effective are they?
- What kinds of issues are involved in the delivery of services to Aboriginal people?

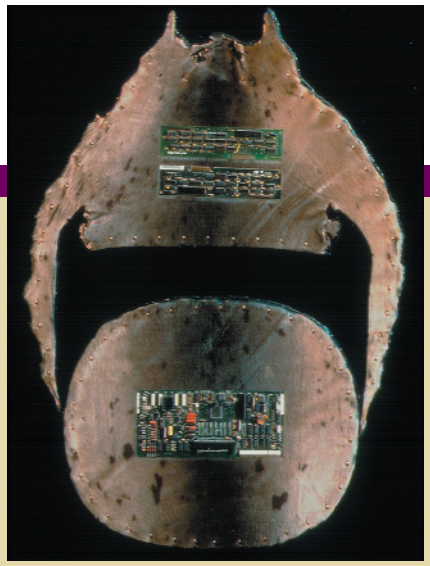
It's Hard to Be Traditional

By Shingoose (Curtis Jonnie)

Well, it's hard to be traditional
When you're living right downtown
People tend to look at you funny
Every time you come around
They like to make fun of you when you dance
Especially when it rains
It's hard to be traditional
When you're living in the nuclear age

For instance,
Where do you go when you want a sweat?
Well, you head down to the YMCA
They got a great steamin' sauna there
But they look at you weird when you pray
Instead of rocks they got a little box
Of electric coils and wires
And when you throw the water on and start to sing
Someone always hollers, "Fire!"

Shingoose



Artist Lance Belanger, who has Maliseet and French heritage, created Culture in Transition *out of microchip circuit boards, seal fur, and enamel on canvas. How do you interpret his message?*

Has anybody seen good old Mother Earth
around lately?
That's 'cause she's living at the public park
But they'd never let you hunt or trap in there
And it's always closed at dark
Yes, and all the animals are fair game
But they're living in a cage
And if you ever tried to skin one
Well, they'd have you on the next front page

Chorus

Way before the hippies grew long hair
We were wearing braids
But then around the turn of the century
All of us got shaved
(or was it saved? I don't know)
But now long hair is coming back again
Just when I got used to it short
It's gotten so you can't tell these days
Whether you're a girl or a boy

What do you get when you rub two sticks?
You get a raging fire
But it's just as easy to flick your Bic
And nobody would be the wiser
Oh, it's hard to stay true to your roots
And only your hairdresser can tell
Whether or not you're traditional and the
rest can go to…

REFLECTION

1. Shingoose's song uses humour to explore a serious issue. Summarize the main theme of his song in a single sentence. What other methods could Shingoose have used to get his point across? Why do you think he chose music and humour? In your opinion, does his choice strengthen or weaken his message?
2. Using the library and the Internet, research Aboriginal writers and entertainers who use humour to present their viewpoints. Find examples of stories from Aboriginal oral traditions that contain humour. Prepare a three to five page presentation using PowerPoint™, slides, or overheads that compares traditional and contemporary uses of humour.
3. Shingoose describes a cultural transition in his song, although in a very different way from Lance Belanger. What kind of cultural transition do you think Aboriginal peoples are experiencing today? Use song, story, poem, or artwork to express your ideas.

Life in Rural Aboriginal Communities

AS YOU READ

An Aboriginal community is one that is composed of enough Aboriginal people that Aboriginal worldviews, cultural practices, and languages are an expected, fully accepted way of life. This way of life is often distinctly different from that of mainstream society.

This section looks at the benefits and drawbacks of life for Aboriginal people within Aboriginal communities. As you read pages 180–187, think about the aspects of life that you think make an Aboriginal community different from other communities in Canada. What aspects of life are the same?

For First Nations people, Aboriginal communities are generally reserves and areas immediately surrounding reserves. For Inuit people, they can be anywhere in the Arctic, where Inuit people form the majority of the population. For Métis people, the Métis Settlements in Alberta and certain other towns and rural regions across the West have enough Métis population that Métis cultural practices are common.

Some reserves are located within cities or close to urban areas, but most Aboriginal communities are rural and some are far from major centres of population, particularly in the North. This section will focus on rural Aboriginal communities.

Before World War II, nearly all Aboriginal people in Canada lived in rural areas. This is because traditional Aboriginal ways of life involved hunting, trapping, fishing, and farming. Today, about half of the total Aboriginal population in Canada live in rural areas.

The 633 First Nations reserves, 8 Métis Settlements, 53 Inuit communities, and numerous other towns and regions in Canada with high Aboriginal populations are diverse in location, level of economic development, social issues, services, size, attitude, and local politics. These differences, combined with individual personalities and situations, create circumstances that either pull people to stay in Aboriginal communities or push them to leave. Sometimes people feel an internal tug-of-war, both pushed and pulled. Many who leave eventually return.

The main benefit of life in an Aboriginal community is being near family and friends and attending community events and celebrations, such as this powwow on the Alexis First Nation reserve.

RESERVE LIFE

What draws First Nations people to life on a reserve? The main benefits of an on-reserve lifestyle include being close to extended family and friends and being surrounded by First Nations culture. Elders provide guidance, and others in the community often help families who are starting out or in need. Generally, the atmosphere is supportive and friendships are strong. Being with people who speak First Nations languages and feel a sense of pride in cultural traditions adds richness to life that may be missing elsewhere.

Life's pace is also more free and relaxed in smaller communities. A rural setting provides peace, quiet, and closeness to the natural world. People can fish, hunt, or trap along

with others who share an understanding of the spiritual aspects of these pursuits. Living in a more natural environment also allows people to practise traditional ceremonies.

Children have fewer restrictions in rural communities. Sometimes, people who have left reserves return after they have children. They want their children to develop a deeper connection to their heritage, family, and the land. Many communities have on-reserve schools, particularly at the lower grade levels, that incorporate the culture and language of those living there.

Reserves sometimes offer other benefits, as well. Some pay power or heating bills for their Elders. A few communities provide rent-free or low-rent housing. Some reserves offer employment opportunities in on-reserve businesses and industries. These businesses are often more culturally sensitive than mainstream businesses, making it easier for people to find jobs that they enjoy.

Resource Development

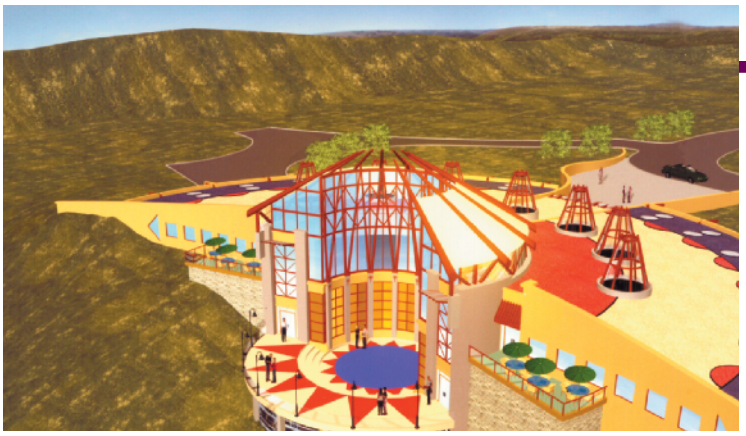
Many reserves in Alberta and elsewhere in Canada are developing resources on reserve land to create employment and economic benefits for their communities. Many Aboriginal and non-Aboriginal business leaders believe resource development is the key to Aboriginal prosperity. Dave Tuccaro, a member of the Mikisew Cree First Nation and owner of eight highly successful businesses, says "In Canada's northern diamond mines, Aboriginals are doing hundreds of millions of dollars in business, and in the oil sands, Aboriginal businesses did over $400 million dollars in 2003 alone. This is the result of good partnerships that are providing Aboriginals with job and educational opportunities — the means to build a sustainable future. It's time for Aboriginals to get busy, the sooner the better."

Drummers helped celebrate a signing ceremony between EnCana Corporation, Saddle Lake First Nation, and Western Lakota Energy Services. The celebration was held at the Keyano-Pimee Exploration Company Ltd. site, which is jointly owned and operated by the Saddle Lake and Whitefish (Goodfish) Lake First Nations. Why do you think many First Nations use joint ventures with other Aboriginal and non-Aboriginal organizations to develop their resources?

However, resource development can have positive and negative consequences for Aboriginal communities. For example, in the early 1970s, an oil boom in Inuvialuit territory brought high wages and a cash economy. Many families moved to towns so their children could attend school. The boom ended, but most families remained in towns. Today, many young Inuvialuit have never lived on the land and are missing a vital connection to their cultural identity.

In the 1960s, development of oil and natural gas near Hobbema, Alberta, suddenly increased local First Nations' income and wealth. In fact, the four First Nations in the area became the richest in Canada. The

Dave Tuccaro from the Mikisew Cree First Nation was included in the Financial Post*'s "Top 40 under 40," a listing of the country's most influential young economic leaders. He received a National Aboriginal Achievement Award in 1999 for his contributions to business.*



The Siksika First Nation is using provincial and federal economic development funding as well as oil and gas resource revenue to build Blackfoot Crossing Historical Park, a World Heritage and National Historic Site. The site is scheduled to open in 2005. The $29 million project is fully owned and operated by the First Nation. The park will have many positive economic benefits for the Siksika reserve, as well as cultural and educational benefits for other provincial residents, tourists, and Canadian citizens.

communities distributed some of the money to the people and invested the rest in business ventures and improvements to the community's schools, social services, and medical clinics.

However, the sudden wealth also created social problems in the community. The high incomes and the material goods that the money could buy influenced many members to abandon traditional practices and customs.

For some people in Hobbema, these changes were not welcomed. In 1968, the former chief of the Ermineskin First Nation at Hobbema, Robert Smallboy, led a group of about 125 people to the foothills of the Rocky Mountains. They established a camp near Nordegg and pursued a more traditional life of hunting, fishing, and trapping, away from the influences of modern life.

Other communities experienced similar problems with resource development. Most reserves in Alberta now manage development carefully, focusing their attention on re-investing wealth for their community's future. The goal is economic stability, where the community is not dependent on any single source of income. For example, Shell Canada has been working closely with the 400 First Nations and Métis people who live near its Athabasca Oil Sands Project at Fort McKay. Together they have reached agreements on initiatives that deal with education, employment, economic development, culture, and community infrastructure.

Another example is the Siksika First Nation, which began the Siksika Development Corporation in 1995. The company was created to ensure that the First Nation would receive long-term economic benefit from oil and gas exploration and development on its land. Alfred Many Heads, director of the corporation, says that the First Nation re-invests much of its revenue in other businesses to allow it to diversify from the boom-and-bust oil and gas economy. One diversification plan is to develop an industrial park on reserve land.

Tax Status

First Nations people who live and work on reserves do not have to pay personal or property tax. Section 87 of the Indian Act says that the "personal property of an Indian or a

Indigenous Knowledge

Research a First Nation in Alberta that has been successful in tapping into resource wealth on their reserve lands (lumber, or oil and gas). Write a short profile of when development began, how it affected life on the reserve, and how the First Nation managed the development and any economic gains. Overall, has the community benefited from development? Explain your answer.

band situated on a reserve" is tax exempt. This tax exemption includes employment income for First Nations people with status who live and work on the reserve for the majority of their time. Today, a few First Nations have a different tax status because of settled land and self-government claims.

First Nations leaders maintain that their right to tax-free status comes from treaties, not the Indian Act. In the Benoit case, Mikisew First Nation member Gordon Benoit asserted his right, under Treaty Eight, to be exempt from federal income tax, even though he lives and works off-reserve. Support for his case included a report from treaty commissioners that stated that they had explained to the First Nations that the treaty "did not open the way to the imposition of any tax." In 2003, Benoit lost his case at the Federal Court of Appeal, and in 2004 he was denied the opportunity to appeal this ruling.

Drawbacks of Reserve Life

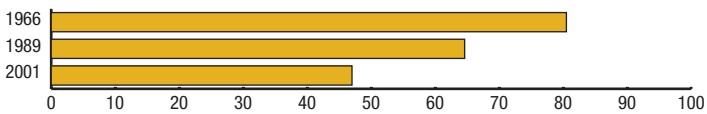
The benefits of reserve life are not always enough to keep people on the reserve. What some people experience as a comforting closeness of family and friends, others feel as a lack of privacy. In some cases, the influences of family and friends are not always positive. For example, some people experience peer pressure to use alcohol or other substances. Moving away can give them the chance to start a new life away from old habits.

It is worth noting that this drawback, and many of the rest that follow, often apply to many rural communities, not just reserves or other Aboriginal communities. Some drawbacks are distinctly part of reserve life and others a function of living in a rural area.

Small communities offer fewer employment and educational options. Most people who leave reserves do so to pursue these opportunities elsewhere. Some reserve schools have limited resources and may not be able to provide the same course and extracurricular opportunities as schools in urban areas. Some may not even be able to keep up with repairs to their school facilities. A few rural areas offer post-secondary options, but they are not usually as extensive as those in major cities.

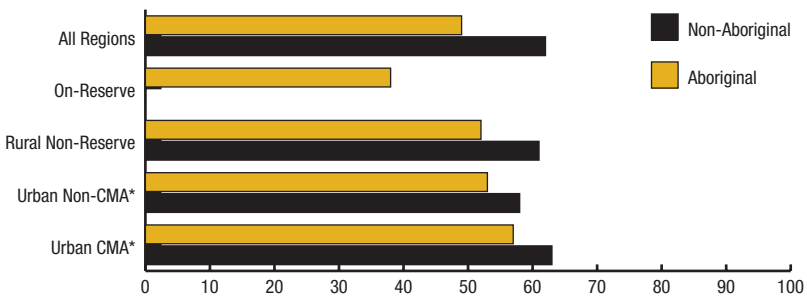
Indian and Northern Affairs Canada has a goal of ensuring that people living on reserves have the

Percentage of First Nations People Living On-Reserve



What trend do you see in this bar graph? What factors do you think contribute to this trend? Have you or anyone you know moved to or from a reserve? What were reasons for moving? What effects do you think migration has on communities and cultures? Discuss these questions as a class.

Employment Rates of People Aged Fifteen and Over by Place of Residence and Aboriginal Identity



*CMA: Census Metropolitan Area (population of at least 100 000)

SELF-GOVERNING COMMUNITIES

Today, many Aboriginal communities have regained traditional powers of self-determination through land claims or self-government agreements. They have more control over aspects of life that reinforce their cultures, such as language, education, and economic opportunities in their communities. These communities can make their own choices about the future. Most have plans to live alongside mainstream Canadian society — a part of Canada, but culturally distinct.

Other communities are still in the process of achieving this level of control over their futures. In particular, most First Nations reserves still operate under the federal government's Indian Act legislation. As you read in Chapter Two, these communities are working in many ways to increase their powers of self-determination. Government attitudes have been slowly shifting to support this goal.

In 2004, Minister of Indian and Northern Affairs Andy Scott affirmed the federal government's support for Aboriginal self-determination:

I really believe that this [shift to Aboriginal self-determination] is about making available the instruments to the communities that are necessary for them to be successful on their own terms. We need the First Nations community to bring not only value to the decision, but in many cases, to make the decision. That's what self-determination is all about….

The relationship [between Aboriginal peoples and Canadian society] is improving because the Canadian public, generally, is coming to understand two things: the entitlement, the contract that is represented by treaties and various claims that First Nations communities have with the Crown, and, perhaps even more important, the public is seeing the resolution of these outstanding issues as being important to everyone.

This is a big piece of unfinished business for this country. I feel optimistic that we are going to make great progress, so that while we're in an uphill journey with lots of baggage, I see the top.

REFLECTION

Where does the entitlement that Andy Scott mentions come from? Review previous chapters with a partner and name as many sources of entitlement as you can.

same basic services as other Canadians. Despite this, in 2000, some reserves still lacked basic water and sewer facilities. Ten per cent of First Nations communities had no access to electric services, and 12 per cent were without year-round road access. Many families are unable to find homes on their reserves and are foced to move or live with other families. Less critically, some people find that reserves offer limited outlets for recreation and leisure.

Social problems — substance abuse, gangs, physical violence, crime — can also drive people away from some reserves. Other reserves might suffer corruption, inequalities, or differences of opinion that divide the community. For example, residents may not agree with local politics or attitudes towards community development.

While some reserves have good economic opportunities, others rely on government grants and social assistance for 80 per cent or more of incoming money. This can demoralize the people who live there. The desire to pursue better economic opportunities is one of the main reasons people leave reserves. This is why so many First Nations leaders stress the importance of developing more on-reserve economic opportunities.

Impact of the Contemporary World on Reserve Life

Life on reserves has changed greatly in the last few decades, in many cases improving dramatically. First Nations are gaining more control over their affairs, and governments have become increasingly respectful of cultural needs.

Unfortunately, not all changes taking place on reserves are viewed as positive by community members. Reserves, like many other rural communities, are experiencing problems that were once found only in urban areas. These problems include

- Pollution. Many reserves suffer from the effects of polluted land and contaminated water due to mining, agriculture, and other industries.
- Youth at risk. Abuse of alcohol and other drugs or substances can be a problem that affects young and old. In some places on the prairies, alienated young people have formed gangs that reinforce their sense of alienation from wider society.
- Television. On reserves today, as in other locations in Canada, children are drawn to the ideas and values reflected on television.

Self-government provides the most promising means of addressing these issues, because it will allow communities to address their problems in culturally appropriate ways.

OLD LANGUAGES ADAPTING TO THE MODERN WORLD

Blackfoot

aisaiksistto (television/movie, literally "becoming visible")
aikkamiksimstaa (computer, literally "quick thinker")

Cree

kîwîpahkamâhowin pîhwâpskos (telephone, literally "tap the line," referring to the early telegraph wires)
pîwâphskos icîkaân (cell phone, literally "unbelievable or extraordinary thing")
pîwâpiskatahk (satellite, literally "iron star")
masinatahikan kâ înîsîmakahk (computer, literally "smart typewriter")

Dene Sųłiné

tsi chok hetai (plane, literally "a big boat that's flying")
beschene chok (bus, literally "a big wagon")
eri 'tis net'i (movie, literally "watching or looking at paper")

Dené Tha'

wok'luitse tani (car or contraption)

Dunne-za

woosloozhy kyaytanee (a vehicle, literally "stinky wagon")

Métis Cree

kosa pâchi'kun (television)

Nakoda

bahborgin (car, literally "covered wagon")
tahnuska tahpi tin (computer, literally "power needed to work")

Saulteaux

masinâtêpicikan (computer)
masinâhtêsicikan (movie)
otâpân (vehicle)

Tsuu T'ina

dat'i shi cha t'i ni (movie, literally "dancing/phantom/strange images")
idini t'uga yii tłaɬi (car, literally "running on its own power")
dzalagha tła di ta shi (plane, literally "flying above/up there")

REFLECTION

Part of a culture's adaptation to new situations involves an evolution of language as people use the words they have to describe the unfamiliar. How can you see this process in the examples above? Find an Aboriginal language speaker who can help you learn a word to share with your classmates that reflects a similar linguistic evolution.

MÉTIS AND INUIT COMMUNITIES

Many of the positive attributes of reserve life — closeness to family, use of Aboriginal languages, cultural acceptance — are also true of life in other Aboriginal communities, such as the Métis Settlements.

The Métis Settlements are unique among Métis communities because they have collective title to their land and legislated self-government. However, they are not the only Métis communities in Canada. Many Métis people continue to live in or near the Manitoba, Saskatchewan, and Alberta towns that are part of their cultural history. Unlike reserves or the Métis Settlements, such communities are not restricted to people with particular Aboriginal ancestry. They have an Aboriginal character because Métis people and Métis culture form a significant part of the community.

For example, St. Laurent, Manitoba, has the largest Métis population in the province. St. Laurent was among the towns settled by Red River Métis people after the 1870 Red River Resistance. Today, Métis culture is still very much a part of the community. Michif is widely spoken among community members.

Life on reserves differs from life in other Aboriginal communities because of the Indian Act and treaties, which only affect First Nations. For example, Métis residents of a Métis Settlement are not exempt from paying taxes. Neither are Inuit residents of an Inuit community.

In many other respects, rural Métis and Inuit communities face

In 2004, St. Laurent, Manitoba, was recognized by the Smithsonian Institute in Washington, DC, for its vibrant French Métis culture. The community is one of ten Aboriginal communities in North America profiled in the Smithsonian's new exhibit.

Individuals such as Clarence Houle, shown here logging with his horses on the Paddle Prairie Métis Settlement, can be free in an Aboriginal community to choose more traditional ways of making a living. Selective logging using horses is an ecologically sound method of harvesting. It leaves the forest ecosystem intact.

many of the same challenges as rural First Nations communities. For example, like reserves, Métis and Inuit communities face pollution, contaminated water, and social issues. In 2002, Inuit villagers in northern Quebec reported over 600 sites where mining and exploration equipment and materials, including toxic chemicals, had been left in their territory.

In the 2001 Aboriginal Peoples Survey, Statistics Canada found that water quality problems were a particular problem for Inuit communities in northern Quebec. In that region, 73 per cent of Inuit people reported that their water was contaminated at certain times of the year. Across the Arctic, 34 per cent of Inuit people reported water quality problems. In comparison, about 19 per cent of other Aboriginal people in rural areas outside the Arctic reported water quality problems. It is important to note, however, that this survey did not include First Nations people living on reserves, where water problems are more common.

Throughout their traditional territories, Inuit people now have land-claims agreements that give them post-secondary education, health care benefits, and hunting rights. These benefits are in many ways similar to treaty rights received by First Nations. To continue receiving their land-claims benefits, Inuit people must maintain a link with their home region. If they lose this connection for a period of ten years, they lose their benefits.

As yet, Métis people have few benefits compared to First Nations and Inuit peoples.

Modern communications technology means that even isolated communities such as Grise Fiord, which is Canada's most northern civilian settlement, can be connected to television and Internet services by satellite. How do you think these connections affect life in isolated communities?

Two contemporary world luxuries that have negatively impacted Inuit people are the widespread use of televisions and video games. These luxuries have had a significant impact on social customs. For example, the pastime of visiting family and friends and social fundraising events such as family movie nights are no longer popular. Children, in particular, are "glued to the tube." But so are adults. When I visit someone today, the television is nearly always on in the background and sometimes homeowners even continue to watch while we visit, so it is very difficult to sit and chat. Traditions of socializing have almost died and people have become sedate and inactive, contributing to poor health.

— Edna Elias, (Kugluktuk, Nunavut) Barrhead, Alberta

LOOKING BACK

What are the main benefits of living in an Aboriginal community? What benefits do reserves offer that other Aboriginal communities do not? What are some of the drawbacks of life in an Aboriginal community? If you have experience of living in an Aboriginal community, write your own list of benefits and drawbacks.

Urban Communities

AS YOU READ

While many Aboriginal people continue to live in communities where Aboriginal ways of life are dominant, a growing number of Aboriginal people face a different reality in Canada. Almost half of the 976 305 people in Canada who identified themselves as Aboriginal in the 2001 Census made their homes in urban areas.

For people accustomed to life in a rural or mainly Aboriginal community, urban life can be a shock. With a partner, brainstorm words and phrases that describe urban life to you. Are your impressions as a long-term resident of an urban area or as a visitor? How might this make a difference in your impressions of urban life?

Urbanization among Aboriginal peoples in Canada has steadily increased since the 1940s. At the end of World War II, most First Nations people lived mainly on or near reserves. In 2001, 47 per cent lived on reserves, 24 per cent in urban areas, and 29 per cent in rural non-reserve locations. This urbanization trend is true for Métis populations as well. In 2001, 68 per cent of the Métis population in Canada lived in urban areas, with 29 per cent in rural regions.

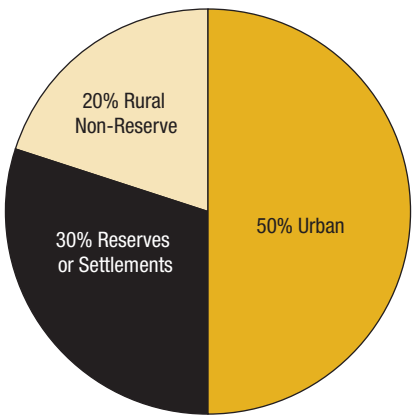
Inuit people are also drawn to cities, although not to the same extent as First Nations and Métis people. About 10 per cent of the Inuit population lives outside the Arctic. Most of these people live in urban centres, such as Yellowknife, Montreal, Ottawa, and Edmonton.

THE DRAW OF URBAN AREAS

What draws people to a big city? A city offers more choices — in schools and educational programs, in recreation and leisure opportunities, shopping, and other conveniences and amenities. Some people go to a city looking for excitement or new friends. Others want to join friends and family who are already living in a city. Some want or need to be near better medical facilities and services. Some people hope to escape from problems in their home community.

The exact reasons an Aboriginal individual chooses to live in an urban environment vary, depending on what the particular city or town has to offer, the circumstances of the

Approximate Percentage of First Nations, Métis, and Inuit Peoples by Place of Residence



Source: Statistics Canada, 2001 Census

In contrast to the Aboriginal population, about 80 per cent of the non-Aboriginal population lives in urban areas.

Indigenous Knowledge

The Blackfoot language has several ways of indicating that someone lives off the reserve: *aya'piopiiksi* (those who are living among *naapiikoaksi* [Caucasian people]), *iitsa'pao'takiwa* (working on the outside), *aisaitapiiksi* (those who become outsiders), *aikippitasa'pitapiiksi* (those who are temporarily on the outside), and *aisaissksinima'tasaawa* (he/she is going to school on the outside). What do such phrases reveal about the most common reasons for living off-reserve? If possible, find someone who speaks another First Nations language to explain how that language would describe similar situations.

Aboriginal community the person comes from, and the individual's goals, background, and ability to adapt. Age, marital status, family size, and education all affect people's choices. The most common reason Aboriginal people move to urban areas is the need to find housing and the desire to pursue education, training, or employment opportunities.

CITY LIGHTS

Top Five First Nations Populations in Cities

1. Winnipeg	22 955
2. Vancouver	22 700
3. Edmonton	18 260
4. Toronto	13 785
5. Saskatoon	11 290

Top Five Métis Populations in Cities

1. Winnipeg	31 395
2. Edmonton	21 065
3. Vancouver	12 505
4. Calgary	10 575
5. Saskatoon	8305

**Source: 2001 Census, Statistics Canada*

More First Nations and Métis people live in Winnipeg than in any other Canadian city. Use the Internet to research an agency or organization in Winnipeg that serves the needs of Aboriginal people. Write a newspaper article reporting what you find. How do these services compare to those in your closest urban area?

URBAN CHALLENGES

Not all people who move from a reserve to a city stay there. Some discover that they prefer rural life after all. Many move back because they miss family and friends. Many move to and from urban areas regularly, as employment or other circumstances change. Others adapt to the urban lifestyle and settle in, raising families who may never know life in any other setting.

Though the experiences of individuals living in urban centres differ, they face many of the same challenges. These include the physical atmosphere of cities, high cost of living, alienation, difficulty accessing services, problems maintaining cultural identity, and cultural barriers (such as stereotypes and discrimination). Each of these challenges is examined in this section.

Physical Atmosphere

Cities are often crowded, polluted, noisy places, with little connection to the natural world. Systems of street addresses, freeways, and public transit can seem alien and confusing to someone from a rural community.

Unemployment and Poverty

City living is often costly and can involve extra expenses for transportation, parking, education, and services. On top of this, unemployment is five to six times greater for First Nations people than for non-Aboriginal people living in the same urban area. Reasons for this high unemployment can include lack of training, limited education, discrimination, and conflicts with corporate expectations and values.

Low-paying, low-skilled jobs provide little satisfaction and stability, leading to an increased sense of alienation from the rest of the urban community. They also do not supply enough income to provide a good standard of living. Data from 2001 show that about 28 per cent of Aboriginal people living off-reserve fell below the poverty line, compared to only 13 per cent of non-Aboriginal people. Poverty can create a cycle of dependence from which it is difficult to emerge.

Yet there are signs of hope. Population figures show that the Aboriginal population is younger than the non-Aboriginal population. In 2001, the median age for the Aboriginal population in Canada was 24.7 years, compared to 37.7 years for the non-Aboriginal population. The median age is the point where exactly one-half the population is older and one-half younger.

This trend will likely continue for some time in the future. Because the Aboriginal birth rate is 1.5 times higher than that of the non-Aboriginal population, one third of the Aboriginal population in 2001 was aged fourteen and under. This compares to 19 per cent of the non-Aboriginal population.

In a few years, this demographic could offer a solution to a forecasted shortage of skilled labour in Western Canadian cities. Given the right education and training opportunities, young urban Aboriginal people could reduce that shortage. Statistics already show a decrease in Aboriginal unemployment. In Edmonton, for example, Aboriginal unemployment dropped from 22 per cent in 1996 to 13 per cent in 2001.

Alienation

People who have been raised in families where traditional cultural values dominate, or in communities where hunting, trapping, and fishing remain a central part of life, generally find it difficult to adapt to an urban lifestyle. A city can seem like an impersonal place. For example, people often do not even know their neighbours. If they do know them, they may share few common values or interests. Urban dwellers without good systems of support can feel isolated and alone.

Access to Services

Urban Aboriginal people do not receive the same level of services from the federal government as First Nations people living on reserves or Inuit people living in their communities.

Few municipal and provincial agencies provide specific services for Aboriginal populations. Those services that are offered tend to be unco-ordinated and inconsistent, with great variations from province to province. Sometimes Aboriginal people have trouble accessing services that are available to other Canadians, so they may not get the help they need.

This situation is partly the result of an on-going disagreement about jurisdiction between the federal and provincial governments. The federal government has assumed responsibility for providing services to First Nations people living on reserves, Inuit people, and Métis people living in the North. This responsibility comes from treaty agreements, the constitutional division of powers, and the federal government's interpretation of these legal responsibilities. The federal government argues that programs and services for all other Aboriginal people are provincial responsibility. In turn, the provinces have usually argued that the federal government has responsibility for all Aboriginal people, no matter where they live.

This disagreement is particularly significant for First Nations people. Those who live in urban areas

Indigenous Knowledge

How might a government or business owner use demographics to plan for its future labour needs? Brainstorm ideas with a partner and select your best ideas for a class discussion.

One of the untapped human resources of Canada is the Aboriginal peoples, and once we are in a position to prove that we are and always were hard-working people, we will be an asset, and viewed as an asset.

— Wilfred Collins, Chairman, Elizabeth Métis Settlement

receive far fewer services than those who live on reserves. For example, First Nations people with treaty rights are eligible for free alcohol and drug treatment programs, if they receive treatment on a reserve. If they live in an Alberta city, such as Edmonton, they are not eligible for similar programs funded by the province and must return to the reserve for treatment.

There is an irony inherent in this lack of urban access to services. First Nations people on reserves do not pay federal income or property taxes. Urban First Nations people do, but receive fewer services in return. In addition, many urban residents face a higher cost of living.

Technically, chiefs and councils are responsible for band members who live off-reserve. The Siksika First Nation, for example, has an office in Calgary that helps its urban residents. For most First Nations, responsibility for urban members is difficult to fulfill. First Nations leaders find they must deal with local needs first. This often forces them to put the needs of urban band members on hold.

Many Aboriginal leaders say that urban resources for their people exist, but these are usually underfunded and unable to deal with the demand. Administrators of these services sometimes spend more time applying for funding than they do serving their clients.

In 2003, in an effort to improve this situation, the federal government allocated $25 million over three years to the Urban Aboriginal Strategy. This program distributes money to eight major cities: Vancouver, Edmonton, Calgary, Saskatoon, Regina, Winnipeg, Thunder Bay, and Toronto. Each city, in partnership with stakeholders, is expected to introduce pilot programs that better address the needs of urban Aboriginal populations.

Most of us [services that serve urban Aboriginal people] are always fighting over dollars, to keep our administration going, to house ourselves, and look after our administration costs, whether we're Métis, Treaty, whatever…[W]e give people the runaround now when they come into the city. Well, you're Treaty and you've not been here one year so you go to this place. But, oh no, you've been here a year already so you go to this place. Well, you're Métis, you have to go somewhere else. It's too confusing for people.

—National Round Table on Urban Aboriginal Issues in the *Report of the Royal Commission on Aboriginal Peoples*

Maintaining Cultural Identity

Aboriginal people living in urban areas told the Royal Commission on Aboriginal Peoples that maintaining their cultural identity is essential to their sense of happiness and well being. However, this can be difficult. Urban life places demands on people that can cause them to change their values and way of life. In addition,

There is a strong, sometimes racist, perception that being Aboriginal and being urban are mutually exclusive. … there is a history in Canada of putting Aboriginal people "in their place" on reserves and in rural communities. Aboriginal cultures and mores have been perceived as incompatible with the demands of industrialized urban society. This leads too easily to the assumption that Aboriginal people living in urban areas must deny their culture and heritage in order to succeed — they must assimilate into this other world. The corollary is that once Aboriginal people migrate to urban areas, their identity as Aboriginal people becomes irrelevant.

— Report of the Royal Commission on Aboriginal Peoples

most supports of Aboriginal identity are noticeably absent from many urban areas, such as contact with the land, Elders, family, spiritual ceremonies, and Aboriginal languages.

Some urban Aboriginal people return home frequently, maintaining their cultural ties. Those who cannot or do not, however, must find other ways to maintain their sense of identity.

Cultural Barriers

Some Canadians know surprisingly little about their country's first inhabitants. As a result, they may have stereotyped expectations of Aboriginal peoples. This can lead to racism and discrimination. As you learned in Chapter Five, education is the key to breaking down these barriers. Greater cultural understanding is particularly important for institutions that provide services to Aboriginal people.

The Canadian government thought that if they moved the real people (First Nations) into white society, the government would not have to live up to its treaty obligations. *ha k'i ji t'si ka aa na gu t'ina dinati k'aa ha li ni dza ku yi naa, it'i di kaa łi k'a gi yi di yi t'łishi du ha gi yi la gi yi ni zin.*

The government's plan was to eliminate the real people. *ha k'i ji t'si ka aa na gu t'ina du dinati isti gi di naa ha ta, a na gu gi dis dał gi yi ni zin ni t'i.*

The real people moved into the cities, hoping to find a better way of life, but white society tormented them. *dinati gu ja gi diln na ka gu t'sis t'si gi dis naa, ha t'a, ik'aa ha li gaaw ta za ni aa.*

Unfortunately, First Nations people turned to alcohol and began destroying themselves. *gi maa gu t'a, dinati ik'aa ha li tuwa i sila ist'aa gi di zid.*

— Vera Marie Crowchild and Regina Noel, Tsuu T'ina First Nation, recounting stories told by their Grandmother Daisy Otter

THE URBAN POLICY GAP

The rising number of urban Aboriginal people and the difficulties this population can encounter reflect an important gap in the policies affecting and services for Aboriginal people in Canada. Most services offered by the federal government for Aboriginal people address the needs of those living on reserves. In fact, 90 per cent of the money the federal government spends on all Aboriginal programs and services goes to programming for reserve populations (including Indian and Northern Affairs administration costs). Only about 47 per cent of the First Nations population benefits from any of this money. This is only about 30 per cent of the overall Aboriginal population in Canada.

Public policy discussions focus on issues such as treaties, self-government, reserve housing problems, and land claims. Few solutions to these issues benefit urban Aboriginal populations. This does not mean that reserves do not have serious concerns that deserve attention and funding. However, the urban Aboriginal population cannot be ignored or left in limbo forever.

Part of the problem is that urban Aboriginal populations are not well organized as a collective political power, and few Aboriginal people are part of mainstream political processes. Urban Aboriginal people are therefore not included in discussions about the policies and institutions that affect them, including self-government.

There are signs that this situation may improve in the future. The Assembly of First Nations, for example, is currently looking at ways

to restructure its organization to better represent the concerns of urban populations. According to Chief Phil Fontaine, "We represent all our people, regardless of where they live, whether it's in urban communities or in reserve communities. But we recognize that we need to do some things better than we've done up till now, to represent our members in cities. This is a serious undertaking. We may have to re-invent the AFN…so that we can effectively represent all our people, whether they're living in Toronto or Winnipeg, or Onion Lake."

FRIENDSHIP CENTRES

As First Nations and Métis people began moving to cities in greater numbers during the 1950s, local volunteers formed Friendship Centres to assist them. At that time, the centres functioned mainly as referral agencies, connecting individuals to various resources and services to help them adapt successfully to urban life.

When more and more new arrivals showed up throughout the 1960s, the Friendship Centres needed to expand their services. By the end of the decade, the centres had joined together in a network, with provincial and territorial associations providing administrative support. The Alberta Native Friendship Centres Association was incorporated in Alberta in 1970. In 1972, the federal government implemented a funding program to support the forty Friendship Centres then in existence across Canada.

Since then, the number of Friendship Centres has more than doubled, and their services have

Joseph Dore

The story of my involvement in the Friendship Centre movement goes back to the years of my childhood, when I was involved in the Li'l Beavers Program at the Thunder Bay Indian Youth Friendship Society. I am originally from the surrounding area, from Longlac, Ontario, which is approximately three hours north of Thunder Bay. I am from the Ginoogaming First Nation, which translates to "long lake" in Ojibwa.

In 2000, I was eighteen and attending high school in Thunder Bay, when I was approached to attend the annual general meeting of the Thunder Bay Indian Friendship Centre. This is where it all began for me. I ran for the position of Youth Representative on the Board of Directors, where I served for a one-year term. This was the first of many positions I was to hold in the Friendship Centre movement.

I sadly left my home province in 2002 and moved to Edmonton to be closer to my family. Since May 2002, I have been an active member on the executive committee of the Alberta Native Friendship Centres Association. I am also the Alberta representative on the Aboriginal Youth Council of the National Association of Friendship Centres. Being involved with the Friendship Centre movement as a youth leader has given me many opportunities to grow personally and professionally. The experience has involved training in youth leadership, decision making, policy and procedure development, board governance, lobbying, advocacy, and travel.

Hard work and a lot of good comes out of good hard work. Now I'm an employee of the Red Deer Native Friendship Centre as the Assistant Executive Director. I continue to learn and grow in the Friendship Centre movement. I believe I've been able to help many Aboriginal youth to lead healthy lifestyles, achieve their dreams, and lead successful lives. Friendship Centres definitely helped me achieve my goals.

In the Spirit of building healthy communities,
Joseph Dore, Oji-Cree youth

Communities such as High Level, Fort McMurray, and Slave Lake (shown here), have Friendship Centres. Although these communities are not major cities, the centres play significant roles in their communities. Find out the kinds of services they provide and compare these services to those offered by Friendship Centres in Calgary and Edmonton.

greatly expanded. More than one hundred Friendship Centres operate across Canada.

Friendship Centres have been the most stable urban Aboriginal organization and have significantly helped urban populations in the past few decades. In particular, Friendship Centres do much to promote Aboriginal cultures and languages. They also increase the non-Aboriginal public's awareness and understanding of Aboriginal cultures. They provide a useful model for other agencies that offer services to Aboriginal clientele. While still providing referral services, today's Friendship Centres also focus on improving health and equality through various programs. As well, they provide employment training and job search assistance, organize women's groups, and serve as a vital cultural connection. Sometimes they serve people from nearby reserves as well.

Other Urban Services

Although Friendship Centres are status-blind, which means they are open to Aboriginal people of all cultures, some urban Inuit people have formed their own version. In Montreal, Yellowknife, and Ottawa, Inuit people have established non-profit organizations that operate programs such as the Inuit Tunngasukvingat in Ottawa. Inuit Tunngasukvingat offers a monthly gathering with a feast of traditional Inuit foods, entertainment, and games. It also offers programs such as student tutorials, work search assistance, carving lessons, and counselling.

Other organizations that provide services for urban Aboriginal people include youth centres, housing assistance agencies, Aboriginal student centres at universities, resource centres, health agencies, employment agencies, head-start (early childhood education) programs, business development associations, addiction-recovery programs, women's shelters, Aboriginal media, and more. Services vary from city to city.

Issues for Investigation

RESEARCHING FRIENDSHIP CENTRE PROGRAMS

Alberta has twenty Friendship Centres, from High Level in the north to Lethbridge in the south.

What needs are met by Friendship Centre programs?

WHAT TO DO

1. Visit *www.albertafriendshipcentres.ca* to find the Friendship Centre nearest to you.
2. Research the services and activities provided by the centre. How do these programs reflect some of the challenges discussed in this chapter? Note any additional needs that have not been discussed in this book.
3. How would these needs be met in rural or other Aboriginal communities?
4. Summarize your findings in a report.

Thinking About Your Project

If you live in or near an urban area, arrange to visit a local Friendship Centre to talk to staff.

URBAN SUCCESS STORIES

The challenges of urban life do not mean success is impossible. Many Aboriginal people adapt very well to urban living. Former Assembly of First Nations Grand Chief Matthew Coon Come was born on a trapline in northern Quebec. MLA Joan Beatty, Saskatchewan's Minister of Culture, Youth, and Recreation (and a former CBC-TV reporter), grew up in Deschambault Lake, Saskatchewan. She did not go to school or learn to speak English until she was ten. Celebrated playwright Tomson Highway, whose Mother tongue is Cree, grew up on a trapline in northern Manitoba. They, like many other urban Aboriginal people who have become teachers, engineers, dentists, doctors, construction workers, business owners, and just about every other occupation available, have found success in urban centres.

Ventriloquist and puppeteer Derrick Starlight grew up on the Tsuu T'ina reserve on the edge of Calgary. He now has an office in Calgary, a touring show, his own production company, and a regular spot on a local Saturday morning television show.

For award-winning musician George Leach, living in Toronto helps him develop his career. It also provides other opportunities, including a role in the television series *Nikita.* Toronto is also where his producer and his agent are. Despite feeling settled in Toronto, he retains ties to his Sta'atl'imx community in Lillooet, British Columbia. He believes that he needs both societies to succeed, and accepts that problems exist in both. Whenever he returns to Lillooet, he spends time listening to the lake and cleanses himself by fasting.

John Bernard, a member of the Madawaska Maliseet First Nation, is the founder of Donna Cona Inc., an Ottawa-based computer systems company. Among its many successful projects, Donna Cona designed Nunavut's information technology system and brought high-speed satellite Internet service to many First Nations communities. Nearly half of Donna Cona's employees are Aboriginal. Most work at skilled jobs with starting annual salaries of $60 000. The company's revenue in 2003 was estimated at close to $12 million. Bernard believes that none of this could have been achieved had he remained on the reserve in New Brunswick where he grew up.

"I always knew I'd have to leave if I was to get anywhere," he said. His sister, however, remains on the reserve. "She's happy. I go down there and she's on top of the world. And here I am, winning all these awards and all stressed out."

REFLECTION

Through family or friends, find an Aboriginal person who has a connection to a rural Aboriginal community, but who has lived and worked in an urban area. In person or over the phone, interview the person about their perspective on the challenges and benefits of urban life. Write a newspaper article about the person using portions of your interview.

URBAN ABORIGINAL PEOPLE

In your talking circle, discuss your response to the statements that follow and issues you've been reading about in this section. In particular, think about the role that Aboriginal youth play in urban communities. As future leaders, what responsibilities, if any, do you think Aboriginal youth have to their people? What issues do you think are most problematic for urban Aboriginal populations? What are solutions to these problems? Do you think the trend of increasing urbanization will continue into the future, or will more people be drawn back to rural communities? Why?

Active listening is as much a part of communication as speaking. During your talking circle, focus on your listening skills. Try to listen to each participant without judgment or criticism.

I think the most terrible experience for an Indian person in the urban setting is racism in the community. That diminishes your self-esteem, confidence, and everything else. You experience racism every day in the stores and everywhere else on the street. All the other groups discriminate against you.

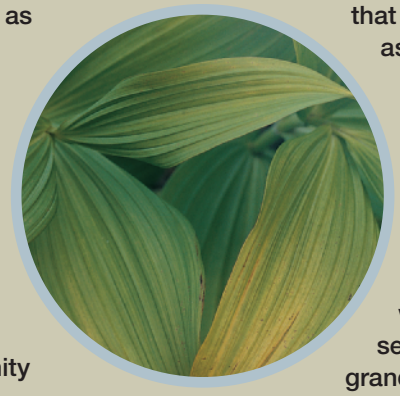
— Aboriginal Youth Council of Canada in the *Report of the Royal Commission on Aboriginal Peoples*

Aboriginal culture in the cities is threatened in much the same way as Canadian culture is threatened by American culture, and it therefore requires a similar commitment to its protection. Our culture is at the heart of our people, and without awareness of Aboriginal history, traditions, and ceremonies, we are not whole people, and our communities lost their strength. Cultural education also works against the alienation that the cities hold for our people. Social activities bring us together and strengthen the relationships between people in areas where those relationships are an important safety net for people who feel left out by the mainstream.

— David Chartrand, President, National Association of Friendship Centres (1992)

Natives who grew up off the reserve have … been looking to reconnect with their heritage, and they've been doing it at friendship centres. What twenty years ago was a place to stop in for coffee and a game of pool has been transformed into a social service organization that has also become the bearer and protector of the fragile Aboriginal culture.

"It's the only base they have as far as a cultural base, and we try to emphasize that in each of our programs," [Cathy General, Executive Director of the Niagara Regional Native Centre in Niagara-on-the-Lake] said. "It's been really successful, but we need ongoing cultural training and teaching and we try to inform the non-native community as well."



Centuries-old native prophecies tell of a strange new people someday rising up to re-establish the nation.

John Hodson, the co-ordinator of the Aboriginal education program at Brock University, believes they've arrived — and they're wearing facial piercings and backward baseball caps.

He said native cultures were "gutted" by residential schools and restrictive government policies until the 1970s, making today's youth the first generation in years to be in tune with the ways of the past, enabling them to "walk in both worlds."

"Aboriginal people are becoming savvy in both our own culture and savvy in maneuvering within the mainstream," he said. "So we're starting to ask ourselves: "What is it our colonial experience has given us?" and the next stage is "OK, what do we want to be?"

"It's like finding a place in modern life for ideas that are 45 000 years old."

— *The Standard*, St. Catharines, Ontario

We need for all four levels of government — federal, provincial, municipal, and Aboriginal — to recognize the new urban reality [in Edmonton] and work in concert to provide our city's Aboriginal citizens with all the help they need, from settlement services to English classes to affordable housing to access to post-secondary education.

Finally, and vitally, we need to ensure that such services are, as much as possible "status blind" — that they serve all Aboriginal people who need support, not just status Indians, but also Inuit, Métis, non-status Indians, and those of blended heritage.

We can't sustain a system where people only get services because of who their grandparents were. We need to make sure services are based on need, not on purity of bloodlines alone.

We can't work together on this city's future with a social infrastructure based on a vanished past. We don't need any more commissions or inquiries. We need action, and we need it soon. Neither our city nor our Aboriginal community has much time to waste.

— Paula Simons, *Edmonton Journal*

REFLECTION

Share your own experiences or impressions of urban life with your classmates.

LOOKING BACK

As a class, talk about the challenges that can make it difficult for Aboriginal people who grow up in rural areas to make the transition to city life. How are these challenges currently being addressed? What challenges remain?

Effective Services for Aboriginal People

AS YOU READ

In the last section, you learned that lack of services is one of the biggest problems urban Aboriginal people face. Like other Canadians, Aboriginal people receive many services from the federal government. Some services are only for Aboriginal people. However, these services vary widely in their availability, their accessibility, and their effectiveness.

Pages 198–205 examine some of the services the federal government provides to Aboriginal people and the changes being made to how those services are provided. In addition, it looks at issues and controversies surrounding these services and how they are delivered. As you read, make notes about each controversy and consider your own attitude towards it.

First Nations, Métis, and Inuit people in Canada enjoy all the rights and benefits available to other Canadians, including programs such as the Canadian Child Tax Benefit, old age pensions, and Employment Insurance.

Indigenous Knowledge

For a person to be healthy [he or she] must be adequately fed, be educated, have access to medical facilities, have access to spiritual comfort, live in a warm and comfortable house with clean water and safe sewage disposal, be secure in cultural identity, have an opportunity to excel in a meaningful endeavour, and so on. These are not separate needs: they are all aspects of a whole.

— Henry Zoe, Dogrib Treaty Eleven Council, Brief to the Royal Commission on Aboriginal Peoples

Is health, as described by Henry Zoe, a right? What factors might prevent a person from being healthy as he describes it? What kinds of programs and services exist to address this problem?

In addition, Aboriginal people are entitled to special services and rights. As stated in the Red Paper (Aboriginal leaders' response to the government's 1969 White Paper) Aboriginal people are "Citizens Plus." When Canada's historical treaties were signed, the federal government agreed to provide First Nations with services in exchange for use of the land they occupied. Among the most important of these services today are post-secondary education assistance and non-insured health care benefits.

Contemporary land-claims agreements, such as those signed by Inuit people, often include similar benefits.

Most of the federal government's programs and services for Aboriginal people are available to First Nations people living on reserves. Some of the government's services are available to all Aboriginal people, including Métis, Inuit, First Nations people without status, and First Nations people who live off-reserve. Provincial, territorial, and municipal governments sometimes offer services for Aboriginal people, typically in response to needs that federal government programs are not meeting.

Governments must consider many issues when making decisions about Aboriginal programs. They must consider, of course, their financial responsibility to all Canadians. The cost of services must be kept under control and the effectiveness of services must be monitored. In general, services are more easily delivered in areas with larger Aboriginal populations. Larger populations make services more cost

effective. Where there are larger concentrations of Aboriginal people, services can be tailored to meet their specific needs. In some cases, Aboriginal organizations can be provided with the resources to design and deliver their own programs.

In general, services are provided in one of three ways. Some programs are delivered jointly by Aboriginal communities and the government. An example of this is the Aboriginal Human Resources Development Strategy (AHRDS), a program designed to help Aboriginal people obtain and keep employment.

AHRDS offers programs in over 400 locations across Canada. Each program is provided through a local Aboriginal Human Resources Development Agreement Holder. Each agreement holder determines the programming needs of the community it serves. To meet the needs of the largest possible number of Aboriginal people, AHRDS was developed in conjunction with the Assembly of First Nations, the Congress of Aboriginal Peoples, the Inuit Tapiriit Kanatami, the Métis National Council, and the Native Women's Association of Canada.

Other services are provided directly by the government to Aboriginal communities. Aboriginal Business Canada is an Industry Canada program that assists Aboriginal entrepreneurs in starting or expanding their own businesses.

Some services are funded by the government, but delivered by Aboriginal communities. For example, the Athabasca Tribal Council operates the Mark Amy Treatment Centre for Addictions. The centre delivers a

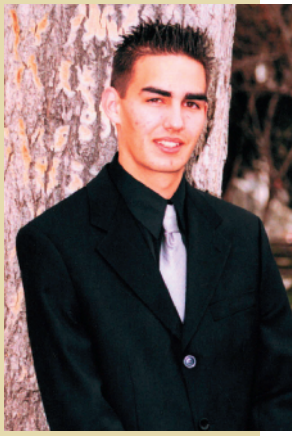
MÉTIS NATION OF ALBERTA

The Métis Nation of Alberta is having great success with its Aboriginal Human Resources Development Strategy programs. Three people who have received help through this program are profiled below.

Jennifer and Holly Mueller, Royal Canadian Mounted Police

Jennifer and Holly took the Aboriginal Policing and Security Program at Grant MacEwan College with funding from the Métis Nation of Alberta Region VI. After successfully completing the program, they went on to complete their RCMP depot training. Holly is now posted in Rimbey and Jennifer is posted at the Piikani Nation Reserve.

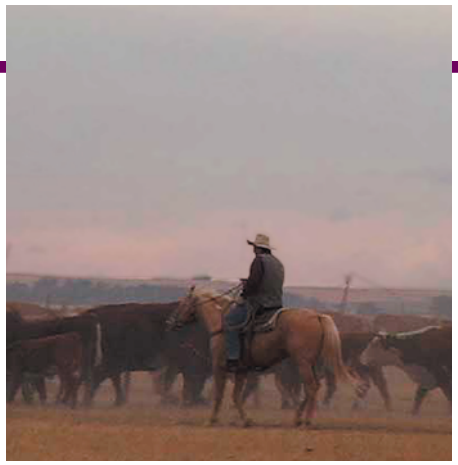
Brandon Bursey, Computer Support Technician



The Region III Métis Employment Services in Calgary helped Brandon access funding for the Computer Support Technician Program at SAIT. Brandon not only completed the program with fantastic marks, he also tutored his fellow students. He was hired by IBM as a consultant and has had two promotions in his short time with the company.

REFLECTION

Research at least one employment or scholarship program or service that you are eligible to receive and report on the program to your class.



There is great diversity among Aboriginal cultures and communities across the country. For example, consider the different needs of an Inuit community and a First Nations reserve in southern Alberta. One-size-fits-all programs do not work. Government programs must have enough flexibility to adapt to local needs.

twenty-eight-day program to First Nations members who are struggling with addictions. The program tackles the issues of addiction from a First Nations perspective.

Whether the government or an Aboriginal community delivers a service often depends on the characteristics of the community involved. A community's ability to deliver services depends upon the size of its land base, its geographic location, its adherence to traditional values, economy, and culture, its local history, and its human and financial resources.

A lack of human resources — people with the specific skills needed to assume control over services — is a significant problem in many communities. For instance, there are approximately fifty Aboriginal physicians in all of Canada, with even fewer people trained in health management. Compounding the problem, many well-trained Aboriginal people leave their communities to seek jobs or further education elsewhere.

Many Aboriginal communities have highly motivated, energetic, and skilled individuals who provide capable leadership, but this core group is often overworked and overburdened. The nature of Aboriginal community life and the shortage of human resources mean that most communities are able to handle only two or three major initiatives at any one time. This is one reason why Aboriginal services may require significant time to develop.

As much as possible, the federal government's policy of devolution is putting Aboriginal services in the hands of Aboriginal communities. This requires co-operation among Aboriginal political leaders and community members, along with regional, provincial, and national governments.

CONTROVERSIES

The existence of services specifically for Aboriginal people can be controversial. Some non-Aboriginal people hold on to stereotypes that deny the worth of Aboriginal cultures. They continue to believe that Aboriginal people should assimilate and be treated the same as other citizens.

Others deny the special status of Aboriginal peoples in Canada. These people argue that Aboriginal peoples are no more entitled to special services than any other minority group. This argument trivializes the unique relationship Aboriginal peoples have with the land that is now called Canada, a relationship that is

fundamental to their cultures, values, and spirituality. It ignores their status as indigenous peoples. In addition, the argument ignores historic obligations that the federal government accepted in treaties and other agreements with Aboriginal groups.

Another argument proposes that Aboriginal people have changed and are now culturally much the same as other Canadians. This argument suggests that if this is true, then Aboriginal people should be treated the same as other Canadians. However, this argument rests on a fundamental misunderstanding about the nature of cultures. It is true that some Aboriginal traditions and practices have faded over time, but all cultures evolve. Aboriginal people cannot be expected to behave as they did centuries ago, any more than non-Aboriginal people can be. If other contemporary cultures exist, contemporary (including urban) Aboriginal cultures will also exist.

Some people fear that Aboriginal services place an unfair tax burden on the average citizen. Such views ignore the important economic, social, and moral benefits of encouraging all communities across Canada to fulfill their potential. The costs of not improving services may well be far greater.

Aboriginal people are also divided on the subject of services for their communities. Some Aboriginal people find comfort in the status quo and resist the idea of fundamental change, such as the devolution of services to Aboriginal governments and organizations. Some argue that Aboriginal leadership is not yet prepared to deliver services. They worry about the consequences of concentrating power in the hands of a small and powerful Aboriginal elite. Others question the government's motives for reducing its role in Aboriginal communities. They fear that the long-standing relationship between government and Aboriginal peoples will be jeopardized, and that they will lose their services as a result.

Another controversy concerns whether services should be status-blind and open to all Aboriginal people, or whether services should be specifically tailored for specific groups of people, such as Métis people or First Nations people with treaty rights. Those who argue for status-blind services make the case that this change would result in less overlap and more cost-effective services. Those who argue against it suggest that cultural identity and historical rights require that specific groups have specific rights.

DEVOLVING SERVICES TO ABORIGINAL PEOPLES

Although some Aboriginal people express reluctance about Aboriginal administration of Aboriginal services, most are highly supportive. Evidence suggests that services designed and delivered by Aboriginal people to Aboriginal people are more effective. In a survey of people who use Friendship Centres, for example, 83 per cent said they were highly satisfied with the service they received.

A major problem with services for Aboriginal people that are delivered by non-Aboriginal governments is cultural bias. In the past, mainstream governments did not

Aboriginal Head Start is an early childhood education program funded by the federal government. This photo was taken at the Wii-jii-waaganesag (Ojibway for "our little companions") Aboriginal Head Start on Reserve Program at the Pic River First Nation in Ontario. Working with Aboriginal community groups, Head Start programs across the country help teach children to read, eat well, and speak their traditional languages. Research how this program is delivered and administered. Decide whether and how improvements could be made. Write a one-page report of recommendations.

always deliver and administer their programs in ways that respected the values, traditions, and cultures of Aboriginal groups. They did not take into account the effect their programs might have on the people and communities receiving them. For example, residential schools, theoretically an educational service to First Nations, instead caused enormous social and cultural dislocation. Even today, government programs and services for Aboriginal people may contain unintended cultural bias.

One way to ensure that programs are not culturally biased is to listen to the people who receive the services. For example, Aboriginal people have asked that agencies dealing with Aboriginal communities employ more Aboriginal workers and that they offer services in Aboriginal languages. Another solution is to hand over control of services to Aboriginal people.

The Saskatchewan Urban Native Teacher Education Program (SUNTEP) is offered by the Gabriel Dumont Institute in co-operation with Saskatchewan Learning, the University of Regina, and the University of Saskatchewan. The program ensures its graduates have a solid background in Métis and First Nations culture and history. Research the needs this program is intended to fit.

Many political leaders believe that government-delivered services discourage Aboriginal people from realizing self-determination. Aboriginal leaders also feel that it is important to offer services in their own languages and in ways that reflect and promote their cultural values. For example, non-Aboriginal health care services tend to focus on treating the symptoms of problems, rather than the causes. Aboriginal health care methods look at more holistic solutions to health problems.

Today, governments recognize that they cannot develop effective programs and services for Aboriginal people without their help in designing, delivering, and evaluating them. However, government systems, by their nature, tend to preserve the status quo. Government officials may have little incentive to encourage Aboriginal communities to develop innovative solutions to their problems. Some may resist change, even with significant evidence that suggests the need for change.

ABORIGINAL SERVICES FOR ABORIGINAL PEOPLE

Today, many Aboriginal people are designing and delivering services for their own communities. When individuals and communities are given the opportunity to conduct their own affairs, they become more self-sufficient. Individuals learn that they have a role to play in making their communities stronger, healthier, safer, and more productive.

When community members deliver services, the whole community is empowered. Most Aboriginal-led services are based on widespread community consultation, which results in programs that address needs appropriately.

What cultural values might affect the way health care is delivered to Aboriginal populations? How might more Aboriginal health care workers increase the quality of care for Aboriginal populations?

For example, Nunavut Sivuniksavut is an eight-month college program that helps Inuit youth to make the transition from their home in Nunavut to university in southern Canada. The program teaches students about Inuit history, organizations, and the Nunavut land-claim

NATIVE COUNSELLING SERVICES OF ALBERTA

Native Counselling Services of Alberta offers several restorative justice and correctional programs that ensure Aboriginal people are treated fairly and equally in Alberta's justice system. One of its correctional programs, the Stan Daniels Healing Centre, is a service it provides under contract with Correctional Services Canada. Programming at the centre is guided by resident needs under the direction of Elders. One successful program at the institution is the *Oskipi Matsuin* (Cree for "new life") program, which helps residents develop life skills in a culturally sensitive manner.

Native Counselling Services also offers a Criminal Courtwork program, which counsels Aboriginal people in their rights, court procedure, and availability of resources to help them. The program costs are shared between Alberta Justice and Justice Canada. In the 2001–2002 fiscal year, the program had 14 623 clients.

A significant initiative for young offenders is a program called *Kochee Mena*, which is Cree for "try again." The Alberta Solicitor General contracts Native Counselling Services to provide the service for Aboriginal male young offenders. *Kochee Mena* is a safe, holistic environment that provides residents with education (in partnership with the Edmonton Public School Board) and cultural programs, as well as recreation and independent living education.

REFLECTION

How do these examples from the Native Counselling Services of Alberta demonstrate the increasing flexibility that governments are showing in order to address Aboriginal people's needs? Why are initiatives in justice important? What kinds of programs might alleviate the need for so many justice services?

Métis Child and Family Services heads a program to provide various kinds of support for Métis children. Here, fiddle instructor Gary Lee gives lessons to support children's cultural education.

Lee Ann Johnson

I have been in nursing for thirteen years and I have recently returned to university to complete a baccalaureate in nursing. Nursing has given me the opportunity to work in areas such as Auxiliary, Medical Surgical, Emergency, and Labour and Delivery. Through further education I now work in Population Health as a Diabetes Educator and Health Promotion Specialist. My education and work experience has helped me grow professionally and develop my self-confidence and self-esteem. Now, I feel like I have more opportunities than I ever dreamed possible.

I've always been a helping person and was drawn to the medical profession because I saw that I could do so much to help people. I never imagined, though, how much I would learn, because in medicine, you never stop learning. Through medicine I have also gained self-knowledge about my own health and well-being and the importance of preventative health.

I strongly encourage young people to enter the health profession. It's a career that can take you so many directions with endless opportunities. Opportunities that are waiting for you in your community.

— Lee Ann Johnson, Registered Nurse,
Kainai Diabetes Program

settlement. It also helps the students adjust to life in an urban environment. The program was initiated in 1985 by the Tunngavik Federation of Nunavut. The original program trained people to communicate land-claims negotiation status to local communities. Since settlement of the land claim, it has become a college transition program.

In Alberta, one successful service began in April 2003, when the Alexis First Nation signed a Community Tripartite Agreement that gives it greater control over policing services. Under the agreement, two Aboriginal members of the Royal Canadian Mounted Police First Nations Community Policing Service provide full-time service to the reserve. The two officers work out of a satellite office located in the community. Residents on the Community Advisory Committee consult with the officers to ensure that communications are open and that local policing issues are addressed. This agreement provides the community with professional, effective, accountable, and culturally sensitive services.

Another initiative involves Aboriginal Health Careers, a federal government program designed to address the shortage of First Nations health professionals. The program encourages Aboriginal youth, in particular high school students, to pursue training and careers in health care.

As part of this program, the Treaty Seven Tribal Council has worked hard to encourage young people to pursue health careers. For example, the council provides funding to students to research and develop school projects related to health careers. It also offers Nursing Incentive Awards, financial awards to students who pursue nursing as a career.

Issues for Investigation

DESIGNING EFFECTIVE SERVICES FOR ABORIGINAL PEOPLE

How should effective services for Aboriginal people be designed and delivered?

WHAT TO DO

1. With a partner, visit the Government of Canada Web site (*www.canada.gc.ca*) to find out more about the various services that the federal government provides to Aboriginal people.
2. Choose one government service that interests you. Why does the government offer this service? What benefits, both direct and indirect, does it offer to Aboriginal people? What could make the service more effective?
3. If possible, supplement your research by interviewing a local person who either receives services from or works for this service. What are his or her impressions of the effectiveness and problems with the service?
4. Prepare similar research on an Aboriginal service that is delivered by an Aboriginal organization, even if it is funded by the federal or provincial government. What are its challenges and accomplishments? How effective do you believe it is? What could make it more effective?
5. If possible, interview someone who receives benefits from this service or someone who works for it. What are his or her impressions of the effectiveness and problems with the service?
6. Design a service to be run by Aboriginal people for Aboriginal people. Be sure to consider some of the challenges and problems you found in your research about the other services you studied. What particular benefits do you see in having this service run by an Aboriginal community? What problems or challenges might communities face in creating and delivering this service?
7. Create a promotional brochure and Web site advertising the service and its goals. Include details, such as what the service offers, who qualifies for the service, and how people may access it.

LOOKING BACK

The examples of services discussed in this section relate specifically to policing, health, and employment or economic development. What other services should have Aboriginal involvement? As a class, discuss the role non-Aboriginal governments should play in providing services to Aboriginal communities. Why are some First Nations communities more active than others in designing and running their own services? What factors might deter some communities from doing so? Why are Aboriginal services for Aboriginal people seen as an important goal by both the federal government and Aboriginal leaders? How does this issue relate to larger questions, such as Aboriginal self-determination?

Chapter Six Review

Check Your Understanding

1. Why do some First Nations people choose to live on reserves? What are the major benefits of reserve life?
2. List factors that might make a First Nations person choose to leave a reserve and move to a city.
3. List factors that can make it difficult for Aboriginal people used to life in Aboriginal communities to make the transition to life in an urban centre.
4. Why might some First Nations people move back to reserves, even if they are adapting well to life in a city?
5. What are the challenges and benefits of developing resources in Aboriginal communities?
6. Indian and Northern Affairs Canada has a stated goal of ensuring that people living on reserves receive the same basic government services as other Canadians. What steps is the government taking to accomplish this? In your opinion, has the government achieved its goal?
7. Why do some non-Aboriginal people object to special government services for Aboriginal people? In a table, list some of the arguments in one column. In the second column, examine each argument from an Aboriginal perspective.
8. Many First Nations now take an active role in delivering child and family services on reserves. Why might this be an important area for Aboriginal-led initiatives?
9. What factors can affect a community's ability to deliver its own services?
10. What roles do Friendship Centres play in the urban community?

Reading and Writing

11. Research at least four examples of services now being delivered by Aboriginal people to Aboriginal people. What needs does each service address? For each one, describe why it is appropriate that management of the service is in Aboriginal hands. What differences does it make to the people receiving the service?
12. Read the poem by Marvin Francis on this page. It conveys some of his impressions of life in an urban environment. "McPemmican" discusses the fast-food, disposable culture prevalent on city streets. Discuss the poem with a partner and summarize what you think Francis's point is and how he makes it.

Marvin Francis was a poet, playwright, artist, and theatre director who passed away in early 2005. When he was a child, his mother moved him and his siblings away from the Heart Lake First Nation to help them avoid attending residential school. Francis grew up in many locations, but spent much time in Winnipeg and Edmonton.

mcPemmican

first you get the grease from canola buffalo
then you find mystery meat
you must package this in
bright colours just like beads

let the poor intake their money take their health
sound familiar
chase fast food off the cliff
speed beef
deer on a bun
bury in the ground

special this day
mcPemmican "cash those icons in

how about a
mcTreaty"

would you like some lies with that?

Air Mikisew is owned and operated by the Mikisew Cree First Nation out of Fort Chipewyan, Alberta. The successful airline has a full range of air services, including fishing charters with its floatplanes. It is also under contract with the Alberta government to provide emergency medical air transportation.

As part of its community initiatives around its Athabasca Oil Sands project, Shell Canada helped construct a new Elders Centre at Fort McKay and agreed to help finance its operation for the first three years.

Viewing and Representing

13. Imagine you are the recruiting officer for a newly established First Nations police service. Create a poster to attract applicants for the position of police officer. Remember to list the qualifications for your ideal candidate and to describe the reasons why people might enjoy the job.
14. Design a campaign to educate non-Aboriginal Canadians about treaties, treaty rights, and services for First Nations. You might plan posters, billboards, radio or television advertisements, or press releases.

Speaking and Listening

15. Air Mikisew, featured in a photograph on this page, is just one of many band- and settlement-operated businesses in Alberta. Research a business run by a local First Nation or Métis Settlement. How does the business affect life in the community? If possible, interview a spokesperson for the business to find specific examples of the business' impact on the community. Give a short (5 minute) presentation about the company to your class.
16. The Elders Centre at Fort McKay, pictured on this page, is one way that resource development has benefited a local community. Write a newspaper article about how resource development has affected a local reserve or settlement. You will likely need to interview people living and working in the community to get a sense of different perspectives on the topic.

Going Further

17. As a class, arrange a visit to your local Friendship Centre. Ask a member of the staff to give you a tour. Talk to the people who work there and, if you can, some of the people who use the facility. Write a report about your visit, describing the role the Friendship Centre plays in your community.

LOOKING BACK

Return to the narrative voice in Shingoose's song on pages 178–179. How does this narrative voice compare to the voice expressed in Marvin Francis's poem? Is humour also part of Francis's work? If so, explain how. Write your own song or poem that describes your experiences of urban or rural lifestyles.

AS YOU READ

Aboriginal peoples in Canada are not alone in the challenges they face. Indigenous peoples around the world face issues such as discrimination and land claims. Today, indigenous peoples from different countries co-operate to share knowledge and ideas that will further their inherent rights.

Rigoberta Menchú Tum is a refugee from Guatemala's thirty-six-year-long civil war. She became an influential spokesperson for the struggles of indigenous peoples around the world. Shortly before she received the Nobel Peace Prize in 1992, the thirty-three-year-old Maya woman spoke with journalist Anders Riis-Hansen. Riis-Hansen is associated with the Commission for the Defense of Human Rights in Central America.

Menchú Tum has changed the way many people think about indigenous peoples' rights. As you read, notice how she makes her case by providing specific examples and recommending specific action. Do you think this is an effective strategy? What themes connect the examples she gives? Make a list of the themes you see and share it with a partner. Relate these themes to issues raised by Aboriginal peoples in your area, in Alberta, and across Canada.

FOCUS QUESTIONS

As you read this chapter, consider these questions:

- What cultural characteristics are shared by indigenous peoples around the world?
- What issues do indigenous peoples from different countries have in common?
- How have indigenous peoples been affected by natural resource development?
- What role does the United Nations play in resolving issues faced by indigenous peoples?
- What progress have indigenous peoples made in human rights, education, and self-determination?
- What role do Aboriginal youth play in the future of indigenous peoples around the world?

An Interview with Rigoberta Menchú Tum

By Anders Riis-Hansen

Riis-Hansen: On the twelfth of October, a great number of countries will celebrate the 500th anniversary of the discovery of America. Do you see this as an insult to the indigenous people?

Menchú Tum: We have seen repeated occupations of our land, long lines of colonists have arrived, and they remain today. For me, to celebrate the twelfth of October is the absolute expression of triumphism, occupation, and presumptuousness, and I think that anyone who has mature and responsible politics should not celebrate it. History will remember those that celebrate it.

On the other hand, the 500th anniversary has opened a lot of space in international forums. With respect to this, I am deeply gladdened that 1993 has been declared the International Year of Indigenous Peoples by the United Nations. It is the first year we have had in 500 years. This is thanks to the struggle of many untitled, unnamed indigenous brothers who, without understanding international law, patiently walked the corridors asking for some time. Thanks to them this international year has been declared.

In addition, I think that the current situation has generated an understanding of the cultural diversity of America. We were the first to talk about cultural diversity, the need to respect the Maya and the environment.

Riis-Hansen: The last country of the continent abolished slavery more than 100 years ago. How is repression and racism expressed today?

Menchú Tum: For example, in the case of my country, Guatemala, 65 per cent of the inhabitants are indigenous. The constitution speaks of protection for the indigenous. Who authorized a minority to protect an immense majority? It is not only political, cultural, and economic marginalization, it is an attempt against the dignity of the majority of the population. The human being is to be respected and defended, not protected like a bird or a river.

▲ ▲ ▲ ▲ ▲

Riis-Hansen: Do you fear for your life when you visit Guatemala?

Menchú Tum: Not only in Guatemala, but everywhere. Our lives are no longer our own; they can take them away any time.

The Mayas, our grandparents, always said: every human being occupies a small piece of time. Time itself is much longer, and because of this they always said that we must care for this earth while we are on it because it will be part of our children and the children of our grandchildren. They know that life is short, that it can end so soon, and that if one gets lost on the way, others will come to take their place.

Rigoberta Menchú Tum became an activist while still a teenager and has devoted her life to indigenous people's rights in her own country and elsewhere. Prepare a report on the causes of the Guatemalan civil war or Rigoberta Menchú Tum's book I, Rigoberta Menchú: An Indian Woman in Guatemala.

Riis-Hansen: Do you believe that a Nobel Prize can contribute to peace in Guatemala?

Menchú Tum: I believe that it has already contributed a lot. We have broken the silence around Guatemala. We have entered into the governmental tribune and we have been able to demand that there be no more blank checks for the governments that violate human rights.…

The gap between rich and poor must be eliminated, or we will continue to be the example of conflict in America.

REFLECTION

1. Use the Internet to find out more about Rigoberta Menchú Tum. From what you learn, how do you feel about Menchú Tum and her work? How has she contributed to her people?
2. Rigoberta Menchú Tum's fame has helped her cause, but has also exposed her to criticism. Some critics question her account of her life as a member of a peasant family in Guatemala. They say she embroidered her story with details that could not be true, or that if they were true, they were true of other people's lives and not her own. Would your feelings about her contributions change if you found she had embellished her own life story with events that happened to other people? Discuss this issue in small groups or as a class.

Common Cultures, Common Issues

AS YOU READ

Pages 210–219 discuss some of the similarities in the cultures of indigenous peoples around the world and how colonization has led to common issues among indigenous peoples today. As you read, note the challenges that indigenous peoples have faced — and continue to face. With your class, discuss why the struggles of indigenous peoples are important. What gains have been made? What challenges remain to be resolved?

In all indigenous cultures, day-to-day activities are imbued with educational, social, and spiritual ways of life. Here Barbara Joe and her granddaughter Ravenlyn Wilson pick medicinal tea at Burns Bog in Tsawwassen traditional territory.

AT LEAST 5000 INDIGENOUS CULTURES EXIST TODAY, WITH ABOUT 300 MILLION INDIGENOUS PEOPLE SPREAD ACROSS THE WORLD IN SEVENTY COUNTRIES. DESPITE ENORMOUS DIVERSITY, MANY INDIGENOUS PEOPLE'S CULTURES HAVE CHARACTERISTICS IN COMMON.

COMMON CULTURES

"We share the same vision and the same experiences, and we are alike in our traditional ways," says Grand Chief George Manuel, of the Secwepemc First Nation and the first president of the World Council of Indigenous Peoples. He travelled to many countries in the 1970s, including Argentina, Sweden, Chile, Nicaragua, Guatemala, and Peru, to meet with other indigenous people. He discovered that nearly all the indigenous people he met included the concepts of the four sacred directions and the circle in their cultural ceremonies.

The word *indigenous* refers to things that originate in a particular region or environment and live, grow, are produced, or occur naturally there. Most indigenous peoples gain their cultural identity from the place where they originate. The world's indigenous peoples descend from the original inhabitants of their lands. The names of many — Ainu,

We recognize that we must all live together in this land, that we must share, and that in the end our interests are much the same. We want peace, health, and well-being for our children. We strive for clean water and air, happiness and freedom. We insist on mutual recognition and respect for dignity, fundamental rights, and the principle of equality of peoples.

— Grand Chief Matthew Coon Come, Cree (Canada)

Our first relationship is to nature. You are part of nature, not the master of nature.

— Mari Boine, Sámi (Norway)

Indigenous peoples are the environment and the environment is indigenous peoples — we are one and the same with the air, water, and the soil of our Mother Earth. We are connected to every living species and every living species is spiritually and culturally connected to us.

— Tom Goldtooth, National Coordinator, Indigenous Environmental Network

Dene, Dogon, Huaorani, Inuit, Maori, Naga, Yup'ik — simply mean "the people" in their language.

Spirituality and the Land

Though indigenous cultures differ one from another, distinct similarities exist. For example, all have a spiritual connection to the land and the natural world. Many indigenous cultures respect and care for the land and its resources as a part of their community. Most have practices that express spirituality in daily interactions with the natural world, such as during hunting, fishing, or gathering plants, as well as ceremonies tied to natural cycles, such as seasonal change or phases of the moon.

Oral Traditions

Most indigenous peoples pass on cultural beliefs and values through oral traditions that can be traced back to their ancestors. Indigenous oral traditions, including poetry, song, story, and dance, explain spiritual beliefs and pass knowledge on from generation to generation. For thousands of years, for example, the indigenous peoples of Australia have told stories that trace the path that a spirit ancestor travelled across the land. This path is connected to a mapping system that divides traditional lands using natural boundaries, such as rivers, lakes, and mountains. Children learn these "story maps" of their homeland and how places relate to each other and to people.

Extended Family

The extended family unit provides the basis for social organization among many indigenous peoples. Like many other indigenous cultures around the world, First Nations, Métis, and Inuit cultures include mutual support systems that centre on the extended family. These support systems helped to care for individuals in times of need.

Respect for Diversity

Sometimes indigenous peoples within one country are painted with a single brushstroke — a stereotype that does not account for their true diversity. Prior to European contact and colonization, each indigenous people lived in a traditional territory, sometimes overlapping with other groups. Most cultures respected other peoples' differences, allowing diversity to thrive. The diverse cultures and their territories do not necessarily conform to the boundaries of countries.

For example, Australia's indigenous peoples include the Torres Strait Islanders as well as the Awabagal, Darkinung, Eora, Darug, Gundungurra, Yuin, and others — each people with its own culture, beliefs, and language. At the time of European contact, approximately 700 indigenous languages existed in Australia.

Community

Indigenous people's cultures usually emphasize the welfare of the community over the individual. In Scandinavia, Sámi society is organized around the *siida*, a community of about a dozen families living together, usually along a river, lake, or fjord. The *siida* council decides how the territory's resources should be used throughout the year, much like a First Nations band council that makes decisions for the benefit of the community as a whole.

ETHNOCENTRISM

Ethnocentrism is the belief that one's own culture is superior to other cultures. Ethnocentric people have a cultural bias — they use their own standards to measure all other cultures, and they view differences as signs of inferiority.

Anyone can be ethnocentric, regardless of their cultural heritage. In a multicultural country, if some groups believe themselves to be inherently superior to others, this can lead to tensions or even conflict.

Ethnocentrism can be complicated when one group holds more political or economic power than other groups. The powerful group then has some ability to impose their way of life on other groups.

Colonizing cultures tended to be ethnocentric. Explorers and settlers often failed to realize that other cultures had valid social and

REFLECTION

In small groups, think of contemporary examples of

COLONIAL HISTORY

Indigenous cultures share cultural features, but also share a common history of colonization. In most cases, contact with colonizing countries led to a drastic decline in indigenous populations through armed conflict or disease. Indigenous peoples were in some cases destroyed. During the Spanish conquest of South and Central America in the sixteenth century, twenty-five million indigenous people died or were killed. By the end of the 1890s, the Caribbean peoples were almost entirely eliminated. Indigenous populations in Australia plummeted from at least 500 000 (some estimates say as many as one million) to 60 000 after colonization, and the Maori population in New Zealand plunged from 200 000 to 42 000.

Despite the atrocities committed against indigenous peoples in the colonial period, many survived with their cultures intact. Indigenous peoples around the world share a strong will to preserve their lands, languages, customs, and beliefs for future generations.

Edmonton's Rossdale Flats served as a burial site and gathering place for First Nations for thousands of years. Here Duane Goodstriker sets up commemorative crosses to honour Aboriginal people buried in the river valley. Controversy arose when proposals to expand a power plant in the area threatened to destroy the site. Such controversies are familiar to indigenous peoples throughout the world. Research this issue and the stakeholders involved. What is going to happen to the site?

COMMON ISSUES

Indigenous peoples share histories that include cultural suppression, economic hardship, discrimination, and racism. They now face common issues as a result of their histories.

Some of the challenges faced by indigenous peoples have a **geopolitical** aspect: a combination of geographic and political factors that relate to or influence a nation or region. For example, in many areas, national borders drawn across ancestral lands have physically divided populations of indigenous peoples. The Blackfoot and Mohawk nations now exist on both sides of the United States–Canada border. Inuit people live in four countries: Canada, Greenland, Russia, and the United States.

Issues shared by indigenous peoples can be grouped into nine general areas: land and resources, the environment, war, language and culture, education, self-determination, health, human rights, and intellectual property rights.

Land and Resources

Regaining ancestral lands and sacred sites is a struggle shared by almost all indigenous peoples. Some want to protect certain sacred or burial sites from development. Some seek a fair share of the wealth generated from their land's resources.

National governments are morally and sometimes legally obliged to respect and protect the rights of indigenous peoples, but often they do not. Even when governments have designated land for indigenous peoples, they sometimes find ways to re-acquire it.

For example, one of the most densely populated places on Earth is the Indonesian island of Java, home to 120 million people. In an attempt to ease overcrowding, the Indonesian government began a relocation program in 1969. Over the next three decades, the government moved up to ten million people onto other Indonesian islands, many of which are traditional territories of the country's indigenous peoples. This massive intrusion led to simmering resentment and many violent flare-ups. Hundreds of people have been killed, and many others have been forced to leave the areas they settled in. More than 400 000 people now live in camps awaiting resettlement.

Indigenous Knowledge

Melina Laboucan-Massimo's experience as the Latin American Regional Co-ordinator for TakingITGlobal (a worldwide youth action organization) made her all the more passionate about what it is to be indigenous and who she is as a Cree person. She hopes that completing a Master's Degree in Indigenous Governance will help her in her work addressing issues facing indigenous peoples.

Melina Laboucan-Massimo

Like in North America, indigenous peoples in Latin America have faced harsh conditions and many injustices – some are prepared to do combat to protect their land. In Canada, we were forced to give up our languages, cultures, and land and this has been devastating to our communities. In many cases, our cultures have been appropriated and turned into a commodity for tourists. We need to keep our culture intact and make it an integral part of our lives. I feel distinct from mainstream society and a resistance to ethnocentric assimilation policies. I feel frustrated at the lack of understanding that mainstream society has towards marginalized First Nations people.

How is Laboucan-Massimo using her frustration in a positive way? What frustrations could you turn to positive action?

PROFILE

CHERITH MARK

Nakoda First Nation

Cherith Mark

As the fast drumming and low chanting begin, the spotlights come up on a shimmering, golden spirit-being floating across the stage.

Cherith Mark, performing in *Miinigooweziwin…the Gift* at The Banff Centre, is moving her body to the music and exalting in the physicality of her eagle dance. The twenty-eight-year-old Nakoda (Stoney) woman from Morley, Alberta, offers an energetic mix of traditional and modern forms of movement. She is destined to become one of Canada's most sought-after Aboriginal contemporary dancers.

"When I dance, I feel grounded," Mark says. She first powwow danced when she was five years old, and then performed in a junior high school troupe in her teens. In 1997, she travelled to the United States with Calgary's Red Thunder Native Dance Theatre to dance in Arizona's Spirits in the Sun festival. There, she witnessed contemporary dances led by choreographer Alejandro Ronceria.

"I wanted to elaborate on my dancing. Alejandro referred me to the Aboriginal Arts Program at The Banff Centre. A year later, in 1999, I was performing in the centre's Chinook Winds dance production and I've been back to Banff every summer since," says Mark. This multi-disciplined performer has studied at the Aboriginal Arts Program in Banff, and The Centre for Indigenous Theatre in Toronto. She has also earned her dance diploma from Grant MacEwan College in Edmonton and plans to major in dance at Burnaby's Simon Fraser University.

Mark cherishes her experiences studying performance art with international teachers and dancers.

"The Maori people from New Zealand are especially honourable. When they enter their homes, they chant their genealogy — that's how grounded they are in their nationality. Singing and dancing is a part of who they are as Maori people.

"And Alejandro, who is from Columbia, is an amazing teacher. He shares what he's been given in many cultural exchanges and always explains the origin of where it comes from."

Once she has gone further in her studies, Mark plans to be a choreographer and hopes to teach dance in her community.

"A lot of Aboriginal youth know about powwow dance, but they don't know there is such a thing as contemporary dance. I would like to teach and inform them that contemporary dance has many possibilities. The sky's the limit. It's another way of storytelling that many people don't know about."

REFLECTION

Have you ever participated in an exchange with students from other cultures or seen a performance of dance or singing from an indigenous culture from outside North America? If you have, what did you learn about the similarities and differences between their culture and your own?

The Environment

Environmental damage can harm indigenous cultures, because they are closely connected to the natural environment. The Yanomamo, for example, who live deep in the jungles of southern Venezuela and northern Brazil, depend on their environment for survival. Miners, loggers, and road builders have intruded into their territories, bringing physical attacks and disease, as well as damage to Yanomamo homes and food supply. So far, neither country's government has adequately defended the Yanomamo by protecting their environment.

War

Some indigenous peoples have been subjected to direct efforts to destroy them. For example, in Guatemala, an estimated 200 000 people were killed in the country's civil war. Most who died were indigenous people. Hundreds of thousands of Mayans fled their homelands, and 440 ancient Mayan villages were completely destroyed.

Language and Culture

Since 1492, more than 2000 indigenous languages and cultures in the western hemisphere alone have been wiped off the face of the Earth. From North America, these extinct cultures include the Wappo, Beothuk, Takelma, Natchez, and Massachuset, among many others. Many indigenous peoples today struggle to maintain their beliefs, values, languages, spirituality, and traditions.

Language and culture are intertwined. About 6000 indigenous languages are spoken in the world today, but many are nearly extinct.

This Maori girl in traditional dress is cooking maize in a hot pool in New Zealand. Why is preserving ancient cultures difficult in the contemporary world? Do you think school education programs are an effective technique to ensure cultural preservation? Explain your answer.

The cultures associated with them are also in peril. Unless drastic changes occur soon, half of them may disappear within your lifetime, and 90 per cent of them within the lifetime of the next generation.

For many years in Norway, Canada, Australia, and elsewhere, it was often forbidden to speak indigenous languages in schools. Today, indigenous nations in these countries and others are lobbying for indigenous language programs in schools.

GLOBAL STATISTICS

- Guatemala is one of the few countries where indigenous peoples form the majority of the population, yet only 150 of 25 000 students enrolled in higher education are indigenous people.
- Indigenous Australians are imprisoned at a rate sixteen times higher than non-indigenous Australians. In some regions, the rate is twenty times higher.
- In Canada, 45 per cent of Aboriginal adults living off-reserve reported one or more chronic health conditions, including arthritis, diabetes, rheumatism, and high blood pressure. Rates of arthritis or rheumatism among Aboriginal populations are almost twice that of the non-Aboriginal population.
- Almost three-quarters of the 120 armed conflicts in the world today are battles between central governments and indigenous peoples living within their borders.

PROTECTING INDIGENOUS RIGHTS

Many mechanisms to protect the rights of indigenous peoples exist, but they are not consistently implemented. Education is essential for the many indigenous peoples who remain unaware of the laws and agreements protecting their rights.

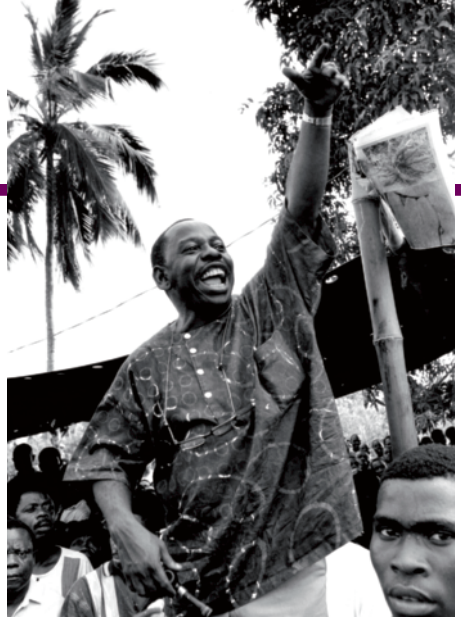
Realizing that they have similar struggles, indigenous peoples around the world have joined forces. They share information on how to use legal means to assert land claims, to force governments to recognize existing treaties, and to claim the right to live the way they choose.

The Inuit Circumpolar Conference (ICC) was established in the 1980s to represent Inuit concerns in the United States, Canada, Greenland, and Russia and Sámi people's concerns in Norway. Each country has its own national office. ICC members came together to fight pollution and global warming, and to preserve Inuit culture and traditions. The ICC is vocal about environmental change and its impact on the Arctic regions of the world.

Other regional, national, and international groups working to improve the lives of indigenous peoples include the Asia Indigenous Peoples Pact, Four Directions Council, the Indian Council of South America, the Indian Law Resource Center, the Indigenous World Association, the International Indian Treaty Council, the International Organization of Indigenous Resources Development, the National Indian Youth Council, and the World Council of Indigenous Peoples. In this chapter, you will also read about the United Nations' efforts in this area.

REFLECTION

Choose one international organization of indigenous peoples mentioned on this page or elsewhere in the book and prepare a brief oral report to your class on the organization's mission, history, and accomplishments.



Nigerian poet Ken Saro-Wiwa was the inspirational spokesperson of the Ogoni people in Nigeria until he was executed by the Nigerian government in 1995, along with eight other activists. The activists fought ecological damage to Ogoni land by Shell, one of the world's largest oil companies. Worldwide protests against the executions prompted Shell to incorporate a human rights policy into its business plan. How effective do you think public pressure is as a tool for indigenous populations to effect change?

Education

Many indigenous peoples have suffered from both substandard education and education designed to extinguish traditional cultures. For example, almost half of indigenous Mexicans cannot read or write, and 58 per cent of their five year olds do not go to school. Many indigenous peoples have found that their ancestral cultures have been eroded, and that they have not been educated well enough to take a strong role in the mainstream culture.

Self-Determination

Many indigenous peoples share the desire to pursue economic, social, and cultural development under their own authority. Some national governments have responded flexibly to this issue. In 1979, for example, Greenland's Home Rule Act granted

Inuit people autonomy for domestic issues, without disintegrating the territorial unity of Denmark.

Health

Levels of health and standards of health care for indigenous peoples often lag behind mainstream cultures. In indigenous communities from central Australia, for example, 40 per cent of children under the age of three have been hospitalized for respiratory illnesses, and three times more babies die than the national average.

Aboriginal and Torres Strait Islander people in Australia die, on average, twenty years earlier than other Australians. About 53 per cent die before age fifty, compared to 13 per cent of the general population.

Some of the world's indigenous peoples are better off than others. In general, indigenous peoples in developed countries tend to live longer, healthier lives than non-indigenous peoples in developing nations.

Human Rights

Laws in many parts of the world have infringed on the basic rights of indigenous peoples. Between the 1870s and 1969, for example, about 100 000 indigenous children in Australia were taken from their families and placed in government-run institutions, or adopted into non-indigenous families. This policy was intended to erase the existence of indigenous peoples as a distinct group.

In one example from Canadian history, First Nations people needed written passes to leave reserves until the 1950s. They were once forbidden to sell products or livestock without written permission. They were denied the right to vote until 1960, and they were banned from owning land unless they gave up their inherent rights. Indigenous populations in other parts of the world have had similar experiences, and continue to face such human rights violations.

Intellectual Property Rights

Mainstream cultures have often taken an interest in — and profited from — indigenous cultures and traditional knowledge. Cultural knowledge or artifacts are sometimes appropriated, or made the property of non-indigenous people or corporations. Furthermore, indigenous peoples often receive no share of the wealth created when traditional knowledge is used by others.

Climate change has real and serious implications on Inuit life because much of the traditional knowledge is based on the times of seasons and not traditionally on temperatures. For example, caching caribou is done in the fall after flies stop flying, not only to prevent maggots but because meat shouldn't be too fermented or too fresh. Now with climate change and warmer temperatures, much meat is going to waste because of over-fermentation and botulism is becoming a real hazard....

Inuit have been careful caretakers of the Arctic for a long time.... Our customs and laws were designed to ensure our survival.

What it all came down to was respect for the earth and to do your part to keep the world in its original state. Inuit see themselves as part of the ecosystem and want to be included, not as victims, but as a people who can help.

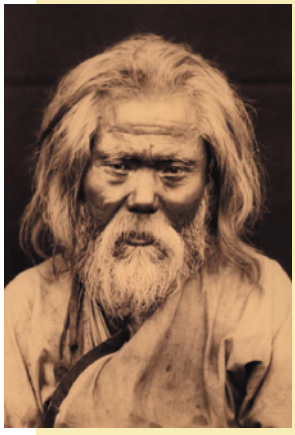
I believe Inuit can provide the rest of society with useful and timely information because we are at the forefront where the impacts and effects of climate change are felt first and may be the most severe.

— Jose A. Kusugak, President, Inuit Tapiriit Kanatami, *Above & Beyond: Canada's Arctic Journal*

THE AINU IN JAPAN

Europeans were not the only colonists. The Ainu people are descendants of the original inhabitants of the Japanese islands. They lived mainly on Hokkaido, off Japan's north coast, making a living by fishing, hunting, and gathering plants from the nearby forests. About 1000 years ago, the Japanese Wajin people migrated northward, beginning a period of conflict that lasted for about 600 years.

In 1669, an Ainu rebellion under the leader Shakushine ended when Japan, fearing defeat, proposed a peace treaty. At the meeting, the Wajin poisoned Shakushine and forced the leaderless Ainu to sign two agreements: one promising submission to the Wajin for three generations and the other establishing a land-lease system. The lease system provided the Wajin settlers with fishing, hunting, and timber rights, along with free reign to exploit the Ainu.



This Ainu giliak *(spiritual leader) lived in the village of Agnevo in the late nineteenth century.*

The land-lease system lasted until the nineteenth century. Deprived of their traditional means of sustenance and subjected to unfair trade policies, the Ainu people were forced into debt. Some were placed in labour camps to repay their debts, where they were treated cruelly. Many Ainu died there, killed by their jailors or disease, such as smallpox, cholera, and syphilis.

In 1873, the Japanese government decreed that Hokkaido was unowned land and would henceforth be state property. Colonists were offered homesteads, swelling the island's population to over one million people. The Ainu continued to be an oppressed minority, their land gone and their customs and language still prohibited, though the government eventually abolished unfair trade practices.

The Hokkaido Kyu-Dojin Protection Act (Kyu-Dojin meaning "former Aboriginals"), a Japanese law passed in 1899, provided the Ainu with small parcels of land to be used only for agricultural purposes. However, the best farmland had been handed out years before to settlers from the south, and what was left was usually unworkable. Though the Ainu had never been farmers, they were forbidden from having any other occupation. Anyone caught fishing in rivers or cutting wood in forests was arrested. Any land not fully cultivated within fifteen years was taken away. Many people lost their land and died of starvation.

Over the next hundred years, attitudes in Japan towards indigenous peoples changed. In 1997, a new Japanese law was passed to provide funding to research and promote Ainu culture. Approximately 24 000 Ainu people now live in Hokkaido. Many are working to preserve their language, oral tradition, traditional dances, and other elements of their culture.

REFLECTION

Research current efforts by the Ainu people to preserve their culture. What challenges do they face? How do these challenges compare to issues faced by Aboriginal peoples in Canada? What role does ethnocentrism play in the issues faced in both countries?

Issues for Investigation

DESCRIBING THE EFFECTS OF COLONIZATION

What are the effects of colonization on indigenous peoples?

WHAT TO DO

1. Working in groups of three or four, select an indigenous population from outside North America that has experienced colonization. Examples include Aboriginal peoples in Australia, the San of Southern Africa, and the Sámi of Norway, Sweden, Finland, and Russia.
2. Using your textbook, the library, and Internet, research the main events of the colonial period and their effects on the indigenous people you are studying. Focus on the questions that follow:
   - What did the actions of the colonizing country reveal about its values and worldview?
   - How did the colonizing country's values and worldview compare to those of the indigenous peoples? Provide specific examples.
   - How has the colonial experience affected the indigenous culture today?
   - What general statements can you make about the effects of colonization on indigenous cultures? Include examples from Canada that show similar effects.
3. Using your research, create a museum display that focuses on the effects of colonization on indigenous peoples. Your display should incorporate at least three different ways of presenting the story, such as
   - an information pamphlet
   - an automated PowerPoint™ presentation
   - artifacts
   - maps
   - quotations from those who experienced the events
   - a timeline
   - newspaper clippings

Marina Murdilnga and Billy Nalakandi with their children at Kubumi, in Arnhem Land, Australia. Arnhem Land is a vast Aboriginal reserve in the far north-western tip of Australia's Northern Territory. The Aboriginal people in the area won their land claim in 1976 with the Aboriginal Land Rights Act (Northern Territory), the first time the Australian government acknowledged inherent Aboriginal rights to land. Many people in the region want to be left alone to live their lives as their people have for over 40 000 years. Visitors may enter the territory only with permission.

4. As a class, display your research around the class or other display space in the school. If possible, invite another class to see your displays, or host an evening for your parents to experience your work.

LOOKING BACK

What cultural characteristics are common to many indigenous peoples around the world? For each characteristic, offer one example from outside North America and one from Canada. What issues are shared by indigenous peoples around the world? For each issue, give one Canadian and one international example. What is ethnocentrism and how did it affect colonized indigenous peoples in Canada and around the world? In what ways do indigenous peoples co-operate with each other to achieve their goals today?

Natural Resources and Conflict

AS YOU READ

The demand for natural resources, such as timber, oil, gas, and minerals, has had many effects on indigenous peoples around the world. As the opening story for this section shows, resource development has sometimes had tragic consequences. How do you think the companies involved in resource development and extraction explain or justify their actions?

An important term used in this section is *sustainable development.* Development that is sustainable meets present needs without compromising the needs of future generations. As you read further in the chapter, think about why sustainable development is significant for indigenous peoples.

Great Bear Lake, in the Northwest Territories, is Canada's second largest lake and one of the deepest in North America. Its blue waters are frozen for all but four months of the year. For thousands of years, the Sahtú Dene people have lived along its shores, following a traditional lifestyle of fishing and hunting caribou.

About 150 years ago, Louis Ayah, a respected spiritual leader, had a vision. Terrible things would happen, he said, when the white man started taking "dangerous rock" out of the ground. The water would become yellow and poisoned, and what looked like a metal bird would take the rock to a faraway land and use it to harm the people living there, who look much like the Dene. Ayah warned his people to stay away from this area.

Ayah's vision came true. In 1930, uranium was discovered at Great Bear Lake. The area was mined for almost thirty years, first under private ownership and then, from 1942–60, under the Crown corporation Eldorado Mining and Refining. Eldorado's primary customer was the United States Army. At 8:15 a.m. on August 6, 1945, a B-29 bomber dropped a bomb containing the "dangerous rock" on Hiroshima, Japan. Up to 200 000 people died as a result. World War II ended soon afterwards.

While it operated, Eldorado hired Dene men for $3 a day to carry 45-kilogram gunnysacks of radioactive ore from the mine and transport it downriver. The men worked twelve hours a day, six days a week during the four months that Great Bear Lake was ice-free. While working and travelling, the men ate and slept on the huge sacks, and swept the dust from the docks and barges. Sacks were sometimes used later for tents and clothing. Dene Elders remember the men coming home covered from head to toe in dust, the same dust that settled onto the lake, causing the ice and snow to melt faster.

Before the uranium supply ran out, more than 1.7 million tonnes of radioactive waste from Eldorado's operations were dumped into and around Great Bear Lake.

Teach your children what we have taught our children, that the earth is our mother. Whatever befalls the earth, befalls the sons of the earth.

— Chief Seattle, Suquamish

Uranium mining in Canada has left over 120 million tons of radioactive waste. This amount represents enough material to cover the TransCanada Highway 2 metres deep across the country.

— Winona LaDuke, Co-Chair, Indigenous Women's Network

In 1953, the first Port Radium miner died of cancer. The first Dene ore carrier died of cancer in 1960. Since then, cancer has killed at least 50 people in Déline, a Dene community of 650. After learning about scientific evidence linking health problems and uranium, as well as evidence that the Canadian government knew of these dangers as early as 1932, the Dene began in the 1970s to seek restitution. For decades, while caribou herds migrated across radioactive wastelands, the Canadian government denied any problems.

In 1998, widows of the Déline mine workers were horrified to learn of the connection between their lands and the atomic bombs detonated during World War II. One wrote an apology to the people of Hiroshima, and six community members travelled to Japan to express their sorrow.

Finally, in 1999, the Déline Dene and the government of Canada initiated a joint investigative program, the Canada-Déline Uranium Table. These talks will look for ways to deal with community concerns over the old mine site.

Ore carriers, many of whom were Sahtú Dene men, worked long hard days at the Eldorado uranium mine during the brief Arctic summer. Many later got ill or died because of exposure to radiation.

INDIGENOUS PEOPLES AND THE DEMAND FOR RESOURCES

Almost everything produced today depends on natural resources. Petroleum products supply plastic, wax, cosmetics, food preservatives, inks, detergents, film, bandages, fertilizers, synthetic fabrics, carpets, certain medicines, non-leather shoes, tires, and CDs. Homes and other buildings are heated by wood, coal, oil, or natural gas. Electricity often comes from burning fossil fuels, such as coal, or from hydroelectric generation.

Demands for new consumer goods and technological advances, along with rising expectations and increased populations, place a huge strain on the natural world. In the search for more resources and new supplies, industries look in even the most inaccessible areas, often the homelands of indigenous peoples.

This global search creates opportunities for developing countries to bring in income and pay off debt. However, decisions to exploit natural resources, typically with the involvement of foreign companies and international financing, frequently displace indigenous peoples from ancestral lands.

Recognizing this, the 1992 Rio Declaration on Environment and Development acknowledged that, although countries have the right to exploit their natural resources, this right does not override the rights of indigenous peoples: "Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature."

The Oldman Dam in southern Alberta was built to support farmers' needs for water, but it is capable of generating power. The dam, built on the traditional lands of the Piikani First Nation, destroyed First Nations cultural artifacts. Research reasons for the dam and reasons why many people opposed it. Which reasons do you think are most compelling?

Tourism

Tourism is sometimes an excellent way for indigenous peoples to use their natural resources sustainably. For example, the Calgary Zoo has established a partnership with Wechiau communities in Ghana to preserve and promote a hippopotamus sanctuary in the northern part of the country. The zoo helps fund the park and promotes it to tourists. The project gives local people a way to make a living from the animals, and helps preserve endangered species at the same time.

With less consultation and care, however, tourism can encroach on the rights of indigenous peoples. For example, tourism in the Cordillera region of the Philippines has resulted in hotels on ancestral lands, and the commercialization of indigenous cultures and traditions. Elsewhere as well, governments and corporations investing in tourism routinely fail to consult with indigenous peoples and to ensure that they benefit from such ventures.

Mining

Mining extracts valuable metals and minerals from the earth, including diamonds and other jewels, the copper essential for electrical wiring, the iron needed to make steel, and the silicon necessary for computer chips. The mining industry provides raw materials for almost everything used in our daily lives. It feeds the industrial world and provides thousands of jobs.

But the process of mining disfigures the Earth and pollutes land and water. Its environmental impact spreads beyond the mine site itself, stretching along access roads, rivers, lakes, airstrips, and power lines. Mining often displaces indigenous people and sometimes destroys their sacred places. When mines close, they often leave a legacy of scars, danger, and contamination.

For example, mining development on Spirit Mountain, once a sacred site to Assiniboine and A'aninin (Gros Ventre) nations living in what is now Montana, has left serious surface and ground water pollution. In 1994, the first lawsuit over the poor clean-up resulted in a $37 million settlement for local communities.

Hydroelectricity

Hydroelectric power supplies 19 per cent of the world's electricity. In some countries, it supplies 90 per cent. Hydroelectricity is promoted as economical, reliable, and respectful of the environment. Some hydroelectric stations harness the power of waterfalls, but most require dams, which are costly to build and often create large bodies of water close to populated areas.

The larger the dam, the wider the area of flooding, which damages valley and river ecosystems. The World Commission on Dams states that dams have displaced forty to eighty million people, a disproportionate number of them indigenous.

The Itaipu Dam on the Parana River, between Paraguay and Brazil, is now the world's largest hydroelectric complex. Its eighteen turbines produce 12 600 megawatts of electricity, enough to illuminate 120 million 100-watt lightbulbs at once. About 1500 indigenous families were forcibly relocated in the 1970s to make room for the dam. Forced to move onto distant reservations — where they suffered economically, socially, and spiritually — these people have never been compensated.

Forestry

Fifty million indigenous people live in rainforests. The world's forests are also home to diverse species of animals, birds, plants, and other organisms, which interact in complex ways. A shared belief among indigenous peoples is that every form of life on the planet has a reason for being. Science increasingly agrees.

Forests are essential to the quality of life for all humans and animals on the planet. They moderate climates, absorb carbon dioxide, produce oxygen, and filter air and water, acting much like global lungs.

From a resource perspective, forests provide lumber, the raw material for building products, paper, and fuel. They also provide other useful plants. Seventy-five per cent of prescription drugs in the western world are derived from native plants.

At Long Galoh, a Penan village on the island of Borneo, Chief Pada No fires a blow pipe armed with poison darts at wild birds. His people have hunted with blow pipes for centuries, but the logging industry has destroyed much of his people's traditional hunting grounds. Most Penan have been relocated by the government. Research the background of this situation and find reasons for and against the logging development. If you were in charge of the Borneo government, what decision would you make about the Penan people and their land?

Western scientists are still learning about the potential uses of many plants that indigenous healers have used for centuries.

Half of the world's forests have disappeared through logging, agriculture, and urban development. Tropical rainforests are destroyed at a rate of over 130 000 square kilometres per year, and 9 per cent of the world's tree species are at risk of extinction. An estimated 137 species of plants and animals disappear from the world every day.

The forestry industry is slowly improving its practices, though clear-cutting and slash-and-burn techniques remain common. In Malaysia, the world's largest exporter of tropical timber and a country widely criticized for its forestry practices, 2.7 million hectares were logged during the 1990s. A recently established certification process was supposed to improve forestry practices, but the basic rights of indigenous peoples are still often ignored.

Petroleum

Oil is the world's largest source of energy, supplying nearly half of the total energy demand. In 1995, the world used more than three billion tonnes of oil in a single year — about the weight of three billion small cars. Every day, Canada alone consumes nearly two million barrels of oil. One barrel is enough to fill the gas tanks of four cars; two million barrels could fill a football stadium. The petroleum industry includes some of the world's most profitable corporations, a few of which have larger economies than three-quarters of the world's countries.

Though this industry includes some of the worst offenders against indigenous peoples and the environment, public pressure has lead to more progressive policies. For example, Syncrude Canada, our country's largest single oil producer, has established an environmental policy that respects the needs of surrounding communities.

As part of this policy, the company is committed to improving environmental performance. In partnership with the Fort McKay First Nation, Syncrude developed land reclaimed from mining operations into habitats for more than 300 wood bison. Syncrude is also Canada's largest industrial employer of Aboriginal people — more than 700 work for the company, many at highly skilled, high-paying jobs.

TRADITIONAL RESOURCE MANAGEMENT

Indigenous peoples have traditional ways life that are inherently sustainable. These practices enabled them to live efficiently in even the world's most extreme environments, such as deserts and the Arctic.

At the 1992 Earth Summit in Rio de Janeiro, the United Nations officially recognized the position of indigenous peoples in conflicts surrounding resource development. The Rio Declaration on Environment and Development states "Indigenous people and their communities … have a vital role in environment management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture, and interests, and enable their effective participation in the achievement of sustainable development. This development should improve the quality of life for all the world's people."

REFLECTION

As you learned in Chapter Two, Aboriginal peoples in Canada have traditional political, economic, social, and spiritual ways of life that ensured people lived harmoniously with the environment. Find and learn a story from a local Aboriginal group's oral tradition that communicates a sustainable practice.

Issues for Investigation

RESOLVING RESOURCE MANAGEMENT CONFLICTS

How have conflicts over natural resources emerged and been resolved?

WHAT TO DO

1. Working in groups of three, select a case study about conflict between indigenous peoples and natural resource development. Suggestions include the
   - Boruca Hydroelectric Project (Costa Rica)
   - El Desquite Mine Project (Argentina)
   - Upper Baram Timber Project (Malaysia)
   - Central Kalahari Game Reserve (Botswana)
   - Texaco/Petroecuador (Ecuador)
2. Using the Internet and the library, read about the nature of the conflict, its cause, how it was resolved (or not resolved), and strategies, if any, that have been developed to avoid future problems.

This bulldozer is in the Wichi community of Hoktek T'oi, Salta Province, Argentina. It has invaded the village cemetery, just one incident of damage in the region caused by careless clear-cutting in the rainforest. How is a bulldozer symbolic of the approach often taken by governments and companies towards indigenous peoples' rights? What symbol would you suggest to demonstrate a better approach? Use this symbol on the cover page of your report.

3. What does the conflict reveal about attitudes towards natural resources and indigenous peoples?
4. Write a final report that includes
   - a cover page and title
   - a table of contents
   - a map
   - the cause of the conflict and different perspectives on it
   - a timeline of major events
   - how the conflict was resolved or why the conflict was not resolved
   - the impact of the conflict or resolution
   - an analysis of the outcome, and your group's recommendation, if possible, for an improved process for resolution
   - at least one connection to a Canadian example of natural resource management conflicts
5. Use a computer to prepare your final report.

LOOKING BACK

How does sustainable development fit within traditional indigenous peoples' worldviews? How is it a significant goal for natural resource development? Name and describe at least three examples of natural resource development and how it affects indigenous peoples.

The United Nations

AS YOU READ

The United Nations is an independent international body. It sets standards for relationships among nations and between governments and their people. As you read, consider how the United Nations has supported indigenous peoples' struggles for human rights, economic development, cultural preservation, and self-determination. Why would indigenous groups, such as the Quebec Cree, turn to the United Nations for help? What values does the United Nations try to balance? How successful do you think the United Nations has been at ending injustices?

The first time the James Bay Cree asked the United Nations (UN) for assistance was in 1981. Nine children had died the previous year from diseases related to a contaminated water supply, primarily because Canada and Quebec had failed to provide medical and sanitation services as required by the James Bay and Northern Quebec Agreement. Canada began to uphold its treaty responsibilities soon afterwards, but Quebec did not.

Every paragraph of the Declaration on the Rights of Indigenous Peoples is based on an abuse of human rights that the indigenous peoples have experienced. The Declaration proposes remedies in the form of human-rights standards. These are not theoretical. We knew from bitter experience what needed to be in the draft.

Ted Moses

— Chief Ted Moses, ambassador to the United Nations for the Grand Council of the Crees (of Quebec)

In 1985, the year Phase I of the James Bay Project was completed, the Cree presented a submission to the UN Working Group on Indigenous Populations. The submission described their experiences — how the altered environment had damaged their traditional lifestyle — as a caution to others.

Cree people from Quebec returned to the UN again in 1991, when Quebec's separation from Canada appeared likely. In their brief to the UN, the Grand Council of the Crees (of Quebec) argued forcefully that they had a right to self-determination under international law. If Quebec has a right to separate from Canada, they argued, then the Cree have the same right to keep their territory in Canada. The Cree asserted that they are citizens of Canada and are bound to the country by terms of the James Bay and Northern Quebec Agreement.

In 1998, after assessing Canada's record, the UN Committee on Economic, Social, and Cultural Rights found Canada to be in violation of its international obligations regarding the rights of First Nations. In 1999, the UN Human Rights Committee separately made a similar finding. Canada responded with a commitment to end its "practice of extinguishment," meaning policies that freeze Aboriginal rights, deny future recognition of those rights, and deny Aboriginal access to courts to assert those rights.

THE ORIGINS AND POWERS OF THE UN

The United Nations (UN) was established in 1945 to solve international disputes that threaten world peace and security. Today, it often plays a global peacekeeping role. In 2003, UN peacekeepers, with their distinctive blue headgear, had a presence in ninety-four countries.

As well helping to maintain peace and security, the United Nations works to protect human rights, to protect the environment, to help the advancement of women and the rights of children, and to fight epidemics, famine, and poverty. It assists refugees, delivers food aid, combats disease, helps expand food production, makes loans to developing countries, and helps stabilize financial markets.

Almost all of the countries in the world today — 191 out of 193 or 194, depending on the criteria used to count — belong to the United Nations. When a country becomes a member, it agrees to accept the obligations of the UN Charter, an international treaty that sets out basic principles of international relations. The charter lists the four main purposes of the United Nations:

- to maintain international peace and security
- to develop friendly relations among nations
- to co-operate in solving international problems and promote human rights
- to be a centre for harmonizing the actions of all nations

The United Nations is not a world government and it does not make laws. It does provide a forum and process to resolve conflicts and make policies on matters that affect the world's people. While UN committees cannot force a member country to change its laws, they can exert considerable pressure on governments.

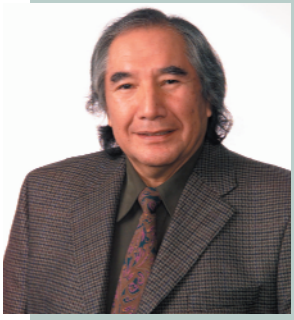
> **Education is an essential human right, a force for social change — and the single most vital element in combating poverty, empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment and controlling population growth. Education is a path towards international peace and security.**
>
> — United Nations, The State of the World's Children (1999)

Public condemnation voiced in UN decisions is an embarrassment to a country such as Canada, which has long prided itself on being a champion of international human rights. In addition to the cases involving the Cree in Quebec, Canada has been found in violation of Aboriginal peoples' rights several other times. For example, in 1990, the UN Human Rights Committee concluded that Alberta's expropriation of Lubicon Lake Cree lands for private oil and gas company leases violated the International Covenant on Civil and Political Rights, a UN agreement regarding human rights.

Indigenous Knowledge

The year 1977 was pivotal for Aboriginal rights in Canada. Sandra Lovelace's appeal to the United Nations Human Rights Committee helped prompt an amendment to the Indian Act in 1985 (Bill C-31). Article 27 of the International Covenant on Civil and Political Rights was pivotal to her case. What does this article state? Research and evaluate the United Nations's role in this case.

PROFILE



Leroy Little Bear

LEROY LITTLE BEAR

Kainai First Nation

"If you think provincial government moves slowly, you should try working at the international level," says Leroy Little Bear of his involvement with indigenous groups working for human rights through the United Nations.

But the wait is worth it, according to the Native American Studies professor. He is gratified to see years of meetings, conventions, and resolution-making paying off.

"Twenty years ago, there would have been no talk of protecting indigenous peoples' rights and knowledge at the global level, but there is now," Little Bear explains. "Within the United Nations Convention on Biological Diversity, for example, there is a section that specifically speaks to protection of indigenous knowledge related to the environment."

A graduate of the University of Lethbridge, Little Bear has held Professor Emeritus status there since his official retirement in 1997. This status means he keeps his title of professor in honour of his contributions to the institution. He continues to teach and mentor university students and to act as an advisor to government. The accomplished academic has co-authored three books and taught at Harvard University.

Little Bear is now interested in connections between North American Aboriginal peoples' science and Western physics. He became fascinated with the subject after working with a group of Aboriginal traditionalists and senior scientists, who compared similarities and differences between Western science and indigenous cultures and worldviews.

"At face value, Western concepts of physics, for example, differ greatly from those of our culture. But enter into the subject at the level of quantum mechanics, and you notice more and more similarities," Little Bear explains. He explores Blackfoot knowledge through its oral tradition. Blackfoot stories and songs referring to the "magical" manipulation of time, space, and matter become more practical and less mystical the deeper you go, he says.

"As we connect with these ways of knowing, which our ancestors used for centuries, we move towards sustainable existence and away from the illusion that so much of modern society is based on," Little Bear concludes.

REFLECTION

1. Aboriginal people's traditional knowledge is considered a collective right. The knowledge is owned by no individual, but is property of an entire nation, including past, present, and future members of that nation. The right to manage the uses to which this knowledge is put is an intellectual property right. Many world indigenous peoples are working together to ensure that the intellectual property of their people is protected as carefully as their traditional lands. Visit the United Nations Web site at *www.un.org* and visit the Cyberschoolbus site to learn more about this topic.
2. What is quantum mechanics? Research how this field of physics is related to traditional First Nations worldviews and oral traditions.

INDIGENOUS PEOPLES AND THE UN

Only countries have voting rights at the United Nations (UN), but the UN recognizes that other groups have interests in the issues it deals with. The UN therefore recognizes many non-governmental organizations (NGOs). NGOs can attend meetings and present their views. Among many other Aboriginal organizations, the Métis National Council has NGO status, which can help the organization influence UN decisions.

Indigenous peoples have often turned to the United Nations for legal recognition and political support. After initially focusing on human rights, indigenous people now participate in international conferences concerning the environment, development, and population.

Since the 1970s, indigenous issues have formed a larger part of the UN agenda. In the 1980s, a working group suggested that the protection of the rights of indigenous peoples be dealt with on a continuing basis under a separate, high-level, permanent UN body. The Working Group on Indigenous Populations was established in 1982, leading to some of the largest human rights meetings ever held by the United Nations.

In 1985, the Working Group began drafting a declaration of the rights of indigenous peoples. In 1993, it completed a draft document, the most comprehensive statement of such collective rights ever developed. More than 100 indigenous peoples' organizations participated in the Working Group.

In an attempt to increase global awareness about indigenous peoples' rights, both among indigenous peoples and the rest of the world's citizens, the United Nations declared 1993 the International Year of the World's Indigenous People. Continuing this effort, the United Nations then announced the International Decade of the World's Indigenous Peoples, beginning December 10, 1994.

United Nations Secretary-General Kofi Annan (centre left) stands with participants at the third session of the Permanent Forum on Indigenous Issues. Annan's opening speech said that indigenous peoples had made much progress over the last decade, but continued to suffer discrimination and other human rights violations.

In 2000, the UN established the Permanent Forum on Indigenous Issues, which acts as an advisory body to the Economic and Social Council regarding indigenous issues related to economic and social development, culture, the environment, education, health, and human rights.

LOOKING BACK

Write down the four main purposes of the United Nations. With a partner, review this section to find examples of activities that fulfill these purposes. List United Nations endeavours that work specifically on behalf of indigenous peoples. Write a review of the United Nations Web site as a source of information for indigenous students around the world.

Aboriginal Youth and Education

AS YOU READ

The United Nations pursues many health and education programs to ensure the well being of young people around the world. In most cultures, young people are valued for the future they represent. Societies try to secure that future by investing in young people's knowledge and skills. Education provides access to economic, political, and social power.

To be effective, education must be relevant to the needs and situation of students. It must also be a life-long process. As you read this section, think about the importance of education as a means to achieving self-determination.

Charles Nelson Perkins was born at the Alice Springs Telegraph Station Aboriginal reserve, Northern Territory, Australia, on June 16, 1936. Of Arrernte and Kalkadoon descent, he was a non-person according to the Australian government. Section 127 of the Australian Constitution (repealed in 1967) stated "In reckoning the numbers of people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted."

When he was ten, he was taken from his home — as were almost all Aboriginal children over a period of almost 100 years. He was sent to a mission school for Aboriginal boys in Adelaide. He remembers his grandmother as a face behind a wire fence. She made trips to the school to try to speak to him in his own language, only to be shooed away by a mission manager.

Charles Perkins, pictured here in the 1960s, became a leading Aboriginal rights leader in Australia. What qualities and experiences do you think drive a person like Perkins to become a leader? What would drive you to stand up for what you believe in?

Technical school training prepared Perkins to become a machinist, but fate intervened. When he was sixteen, he was spotted playing soccer by the English first-division club Everton, which offered him a place on the team. In England, he discovered how much better life could be outside Australia's systematic racism. Though he was later invited to try out for Manchester United, he chose to return to Australia in 1959.

At the age of twenty-three, he became an Aboriginal rights activist. The Freedom Rides through rural New South Wales in 1966 were among his most famous efforts. Modelled after African American Freedom Rides, this bus tour of student protestors sparked international awareness of the problems of Aboriginal people in Australia. Like African Americans, Aboriginal Australians were banned by law from public places such as washrooms, swimming pools, cinemas, and shops. The Freedom Rides are often cited as the most significant act in Australia's race relations during the twentieth century.

Named Aborigine of the Year in 1993 and awarded the Order of Australia for his work on behalf of indigenous people, Perkins's legacy includes the Aboriginal embassy, a tent he helped build in 1972 on the lawns of Australia's former parliament house. The tent remains there today, protected under heritage laws.

THE IMPORTANCE OF EDUCATION

Perkins was the first Australian Aboriginal person to graduate from university. In 2000, thirty-five years after he completed his arts degree, the University of Sydney awarded him an honorary doctor of laws.

In contrast, many of the world's children leave school before grade five. One hundred and thirty million children worldwide — two-thirds of them girls — have no access to education. A disproportionate number of them are indigenous people.

In 2001, only 17 per cent of indigenous Australians had a high school education. They were more than twice as likely as non-indigenous students to leave high school before graduating. Fewer than half of indigenous teenagers were attending educational institutions, compared to 75 per cent of non-indigenous teenagers. Canada's picture in this regard is improving. Of working-age Aboriginal people, 61 per cent had high school diplomas or better in 2001, up from 55 per cent in 1996.

Education has a direct impact on employment. In 1991, 84 per cent of Aboriginal Canadians with university degrees were working, compared to 52 per cent of Aboriginal people overall. But education is more than a path to a good job. The

ABORIGINAL YOUTH WORKING ABROAD

The Native Law Centre at the University of Saskatchewan, in co-operation with the Department of Foreign Affairs and International Trade, offers international internships for Aboriginal young people from Canada to work in other countries with institutions that serve the needs of indigenous peoples. The focus of this program, called Young Professionals International, is giving indigenous peoples the chance to learn from each other.

Jonathan Breaker was one of these interns. He went from the Siksika First Nation in Alberta to Paris, France, to work for UNESCO. His project involved work with sustainable development issues among indigenous peoples — preserving indigenous culture and language, conserving the environment, and reducing poverty. All these goals were pursued through programs integrating the traditional knowledge of indigenous peoples.

Adrienne Edmunds, an Inuk from Labrador, worked for the New South Wales government in Australia to research Canadian and Australian indigenous social justice issues, and to compare contemporary and historical policies of the governments of both countries. Her experiences abroad increased her empathy, sensitivity, and appreciation for cultural differences.

Bev Lafond is from the Muskeg Lake Cree Nation in the Treaty Six territory in Saskatchewan. Her placement allowed her to work with the Human Rights Commission of New Zealand. She knew about issues affecting First Nations people in Canada, and wanted to see if new initiatives or developments in other countries could be adapted for her own community. Part of her job was to share information on First Nations initiatives and development in Canada.

REFLECTION

Write a paragraph describing an international internship for yourself. Explain which country you would like to visit and what kind of work you would like to pursue.

The Bigstone Cree Nation is just one of many Alberta communities that makes sure its school programs are relevant and meaningful for Aboriginal students. Here Elder Bill Sewepagaham teaches students about drumming and singing.

Young girls in Kabul, Afghanistan, are shown here in 2003 attending school for the first time in five years. Why do girls in some countries have problems accessing education?

Canada's first accredited Aboriginal-run university, First Nations University of Canada, was launched in 2003. Formerly the Saskatchewan Indian Federated College, which opened in 1976, First Nations University has campuses in Saskatoon, Prince Albert, and Regina. It is "dedicated to promoting and expanding Aboriginal knowledge in teaching, research, and service."

United Nations Children's Fund (UNICEF) declares that education "is the foundation of a free and fulfilled life" — a statement based on decades of research and experience.

Knowledge is power. In an increasingly global community, the world's indigenous peoples are learning from each other and gaining from one another's triumphs. Indigenous Australians, for example, hold up Nunavut as a shining model of Aboriginal self-government. First Nations in Canada cite an Australian case, *Mabo v. Queensland*, during court arguments for Aboriginal title.

Education helps people to see opportunities, to understand how to turn ideas into reality, and to play a part in making the world a better place, both locally and globally. It enables the world's indigenous peoples to bring their stories onto the world stage, where others will listen, care, and assist.

Many factors contribute to lower education rates for the world's indigenous peoples, including poverty, war, physical distance from facilities, and disease. What is taught in the classroom — and how — also plays a considerable role. Lessons that are relevant to students' lives and cultures, and taught in students' first languages, help make education more effective. Recognizing this, education systems around the world are slowly evolving to meet the needs of indigenous peoples.

ENSURING CULTURAL FUTURES THROUGH EDUCATION

Around the world, a revolution in education is beginning, as governments and educators realize the importance of a new approach to teaching and learning — one designed to make classroom experiences more fulfilling and relevant, while equipping students with skills they will use throughout their lives. Approaches to learning systems vary around the world, reflecting local conditions and needs. The intent is to make education more effective for both children and society as a whole.

For example, the Yurrekaityarindi partnership in Australia involves Aboriginal and Torres Strait Islander people in their communities' education systems. Yurrekaityarindi are committees of indigenous people who work with local schools and educators to ensure that indigenous students are encouraged to excel in their studies. They also help students overcome challenges to learning.

Another Australian initiative is the Intelyape project, which developed Arrernte literacy materials with indigenous Australians in Alice Springs. The project has become a model for other countries creating bilingual programs based on local indigenous languages.

How can education best serve the needs of Aboriginal youth?

WHAT TO DO

1. Research initiatives in education for indigenous youth in Australia, New Zealand, Sweden, and Russia.
2. Compare these initiatives to the educational opportunities provided for Aboriginal youth in your community or province.
3. What is your ideal vision of education for Aboriginal youth in your community? What educational goals do you think are most important for Aboriginal youth today? Is cultural education an important part of the system you envision? Design a weekly school timetable that includes a description of each course and any special features of how it is taught. How will this education system help prepare Aboriginal youth for the future?

Thinking About Your Project

Besides formal education at school, how else can people learn about culture? In your opinion, how is culture best taught?

These students at New Aiyansh, British Columbia, are part of a bilingual/bicultural education system developed by the Nisga'a Tribal Council (since the Nisga'a Treaty called the Nisga'a Lisims Government.) Its goal is to have students fully fluent in Nisga'a language and culture.

LOOKING BACK

Why is education important to Aboriginal youth? How is it important to Aboriginal cultures? If you could do something to help your community, what would you most like to do? What kind of preparation, education, or experience would you need to achieve this goal?

Chapter Seven Review

Check Your Understanding

1. Define geopolitical. How have geopolitical boundaries created challenges for indigenous peoples?
2. Describe at least four cultural characteristics often found in indigenous cultures from around the world.
3. List common issues faced by indigenous peoples around the world.
4. Define ethnocentrism and explain how it has affected indigenous peoples.
5. Describe at least two examples of how ethnocentrism affected Aboriginal peoples in Canadian history.
6. How does the Ainu experience in Japan mirror First Nations experiences in Canada?
7. Why did colonizers sometimes separate indigenous children from their families?
8. How did the government's failure to address the dangers involved in mining uranium near Great Bear Lake reflect its attitudes towards the land and Aboriginal peoples?
9. In what ways does hydroelectric generation often conflict with Aboriginal views about natural resource management?
10. How can a natural resource extraction company demonstrate environmental responsibility? Give a specific example.
11. What is meant by sustainable development? Why is it important for indigenous peoples?
12. What are the four main purposes of the United Nations?
13. In what disputes was Canada found in violation of the International Covenant on Civil and Political Rights? What happens when a country is found in violation of a United Nations agreement?
14. How has the United Nations responded to the increasing demand by indigenous peoples to have global representation?

Reading and Writing

15. Create a chart to organize your ideas about the issues facing indigenous peoples around the world, and how (or whether) their issues have been addressed. Your chart could look something like this:

Name of Issue	Description of Issue	How Issue Has Been OR Could Be Resolved

16. How does the position of Aboriginal peoples in Canada compare to indigenous peoples in another country? Choose a specific group of indigenous people to study. Make your comparison based on factors such as education, health, language, self-government, and cultural continuity. Write an essay giving your opinion with evidence to support your ideas.
17. Consider the statement that follows:

> Indigenous youth inherit the responsibility to protect and preserve their traditional lands, resources, and sacred sites upon which their cultural heritage and identity is based.
>
> — United Nations, 2002

Write a paragraph or two about your response to this statement. Do you think this responsibility is fair and reasonable? Is your education preparing you to take this role? Include specific examples in your response.

18. Research human rights issues in your province and prepare a case study to present to your class.
19. In a small group, create a Web site educating others about indigenous people's intellectual property and their rights regarding this property.

Speaking and Listening

20. Working with a partner, imagine that you are employed by a television-advertising agency and you have been asked to create an environmental commercial that will target an age group of sixteen to eighteen year olds. You have been told to use one of the quotations from this textbook somewhere in your commercial. Create a 30-second commercial that will address an environmental issue and reflect Aboriginal peoples' views about conservation and management of resources. Videotape your commercial and present it to the class.
21. Find a story from the oral tradition of an indigenous culture from outside North America. Learn the story and present it to your class. Along with your story, provide a brief overview of the culture and environment of the people who tell it.

Going Further

22. Invite an Aboriginal person who has attended international meetings of indigenous peoples to your class to discuss his or her experiences. What did he or she learn that could benefit local communities?
23. One forum through which Aboriginal people in North America meet and network with other Aboriginal people is sporting events. Research the history of the Arctic Games, North American Indigenous Games, or Northern Games. Write a three-page history of the event and learn how to do one traditional game or event to teach other students in your class. As part of your instruction, give the history of the sport and mention records or achievements held by Aboriginal athletes in this event.

    For example, the one-foot high kick, a traditional Inuit sport, requires participants to jump off the ground on two feet, kick the target (usually a rolled-up seal skin), and land on the foot that kicked the seal. Traditionally, Inuit sports helped hunters build their skills and strength, while reinforcing social ideals about fair play and respect for the land. Explain the benefits to Aboriginal youth of participating in such events in the past and today.

At the 2004 Arctic Games, held in Fort McMurray, Alberta, Nunavut athlete Chris Merkosak competed in the one-foot high kick, a traditional Inuit sport. The junior male record was set in Fort McMurray by sixteen-year-old John Miller III, from Alaska, who kicked 2 metres, 87 centimetres.

LOOKING BACK

In an activity on page 8, in the first chapter of this book, you read a copy of the United Nations Draft Declaration on the Rights of Indigenous Peoples. Look back to that declaration now and reflect upon how much you have learned in this course about the rights of indigenous peoples. For as many of the clauses as you can, give a specific example that shows problems in the world today, or changes that have improved the lives of indigenous peoples.

Glossary

The definitions provided here reflect the context of this textbook. In other contexts, some words and terms have alternative meanings.

Aboriginal peoples: the original inhabitants of a land and their descendants. In 1982, the Canadian constitution recognized three groups of Aboriginal peoples — First Nations, Métis, and Inuit — each with diverse sets of communities with their own histories, languages, cultural practices, and spiritual beliefs.

Aboriginal rights: privileges or powers accorded to Aboriginal peoples due to their original or longstanding use and occupancy of the land. These rights vary depending on each group's cultural customs, practices, and traditions, but may include rights to hunt, trap, and fish on ancestral lands.

Aboriginal title: the legal right to the exclusive use and occupancy of ancestral land by Aboriginal peoples. Aboriginal title is a collective property right.

Adhesion: an addition to an existing treaty in which First Nations become part of the agreement

Alienate: to give another individual or group a sense of being out of harmony or excluded. Years spent at residential schools left many Aboriginal individuals with a sense of alienation from both their cultural heritage and mainstream society.

Alliances: working partnerships in pursuit of common interests

Assimilation: the process of absorbing or being absorbed by a group or system. In Canada during the nineteenth and twentieth centuries, government policies of assimilation attempted to make Aboriginal peoples adopt non-Aboriginal culture.

Band: a term defined by the Indian Act to describe a territorially based group of First Nations people who share a common culture and ancestry; e.g., the Samson Cree Nation

Band councils: a term defined by the Indian Act to describe the governments of bands. Each band council includes one or more chiefs and several councillors.

Bill C–31: a proposal to amend the Indian Act approved by parliament in 1985. The amendment increased First Nations control over band membership. It also removed the section of the act that stripped women of their status and rights — including the right to live on a reserve — when they married non-status men. As a result, 100 000 people — often referred to as *Bill C-31 Indians* — were able to have their status reinstated.

Ceded lands: lands to which legal title has been surrendered. *See Aboriginal title*

Circular seasonal time frame: a type of calendar system based on the cycles of nature through the four seasons and the repetitive changes — the migration of animals and birds and a changing food supply — that occur during those times. Traditionally, the activities, ceremonies, and rituals of First Nations and Inuit peoples centred on this sense of time.

Collective rights: privileges or powers that belong to a group of people. *See Individual rights*

Colonization: the establishment of a colony or colonies, involving one country taking political and economic control of another country or territory and attempting to change the existing culture, often by importing many people as settlers or administrators to encourage social transformation. The colonized country is usually exploited for the benefit of the colonizing country.

Common law: the legal system of most English-speaking countries, which is based on traditions and legal precedent. Common law is supplemented by statutory law, which is written legislation.

Comprehensive land claims: demands for title to certain lands that have never come under treaties or other legal agreements. Such demands are based on Aboriginal rights.

Confederacy: a formal alliance of nations, states, organizations, or individuals

Consensus: a collectively held opinion

Constitution: the written or unwritten set of principles and institutions by which a nation governs itself

Crown: a symbolic term denoting the British monarch, Canada's head of state. All government actions are carried out in the Queen's name, or on behalf of the Crown.

Crown land: land owned by the Crown and controlled by the federal or provincial government; such ownership dates back to the colonization of Canada, when land was claimed on behalf of the reigning monarch

Cultural bias: an attitude that favours one culture over another. A history textbook that ignores or diminishes the contributions of Aboriginal peoples illustrates a cultural bias.

Cultural environment: a geographic region that is home to groups of people sharing similar cultural characteristics. Much diversity can exist, however, even within a single cultural environment.

Devolution: the transfer of an unexercised right to an ultimate owner, especially by a central government to another administration

Discrimination: unequal treatment resulting from distinguishing one group of people as inferior to another, especially on the grounds of race, colour, or gender

Displacement: the state of people being forced to move from homelands as a result of war, abuse, disaster, or other conflict

Enfranchise: to endow with the rights of citizenship or membership, especially the right to vote. Enfranchisement was defined with respect to First Nations people in the Gradual Civilization Act of 1857. Enfranchisement, in this case, meant that First Nations individuals had to abandon their First Nations identity, assimilate into Euro-Canadian culture, and give up Indian status in order to receive the rights of Canadian citizenship. In some cases, First Nations individuals were not given a choice, but were automatically enfranchised for various reasons.

Ethnocentrism: the belief that one's own culture is superior to all others and the tendency to judge other cultures by the standards of one's own. Ethnocentrism can, but does not always, involve racism.

Fee simple: ownership of land in which the rights to use the land are unlimited

Feudal: a political and economic system of landholding based on reciprocal relationships between the Crown, nobles, and peasants. The nobles held the Crown's land in exchange for military service and peasants lived on the land and received military protection from the nobles in exchange for a share of their produce or service.

Fiduciary: a relationship of trust in which one party, which holds certain powers and privileges, must act in another party's best interests

First Nations: in Canada, the group of Aboriginal peoples formerly or alternately known as Indians (a disfavoured term; *see Indian*). First Nations refers to individuals — over 500 000 First Nations people live in Canada — and to communities (or reserves) and their governments (or band councils). The term, which arose in the 1980s, is politically significant because it implies possession of rights arising from original historical occupation and use of territory. Though no Canadian legal definition of this term exists (the constitution refers to *Indians*), the United Nations considers it synonymous with *indigenous peoples.*

Geographic environments: territories that include distinctive land and water features, climate, and resources

Geopolitical: involving a combination of geographic and political factors that relate to or influence a nation or region

Heterogeneous: composed of differing elements or having unlike qualities; diverse. First Nations are heterogeneous. *See homogeneous*

Holistic: emphasizing the importance of the whole and the interdependence of its parts

Homogeneous: composed of or having the same or similar elements or qualities; uniform. A single First Nations community would be considered homogeneous. *See heterogeneous*

Human rights: privileges or powers regarded as fundamentally or inherently belonging to all persons, such as freedom from unlawful imprisonment, torture, and execution

Imperialism: the policy of building and maintaining an empire or colonies in which many states and peoples, spread over a wide geographic area, are politically and economically controlled by one dominant state

Inalienable: cannot be transferred to another

Indian: a term used for a group of Aboriginal people who generally prefer (in Canada) to be called First Nations. The term *Indian* is still commonly used by Canadian governments, including in the constitution. First Nations people generally disfavour the term because it originated from early European explorers' mistaken impression that they had landed in India. It also ignores the great diversity of history and cultures among various First Nations.

Indian Act: the law governing First Nations people (and their descendants) who signed treaties or who were otherwise registered in the act's provisions. First passed in 1876 and amended many times since, the act designates federal government obligations towards registered individuals and regulations for the management of reserve lands.

Indian register: the federal government's list of Status Indians

Indigenous peoples: the original inhabitants of a land and their descendants

Individual rights: privileges or powers that belong to an individual. *See collective rights*

Inherent rights: privileges or powers in existence prior to Canada becoming a nation and outside of Canada's constitution or any other government or legal authority. Aboriginal peoples claim an inherent right to self-government based on their position as indigenous peoples. They exercised this right for centuries before European colonization, when their ability to exercise their rights was hampered. The Canadian government recognizes the inherent right of self-government and is now working to relinquish control over Aboriginal groups so that they can exercise it.

Interdependent: individuals or groups that rely upon one another for some purpose. A traditional Aboriginal worldview is holistic, in which the relationships between interdependent parts are more significant than any single part.

Inuit: Aboriginal people of northern Canada, who live primarily in Nunavut, the Northwest Territories, Labrador, and northern Quebec. Inuit people also live in Greenland, Russia, and the American state of Alaska.

Land claim: a demand for title to or rights regarding certain territories. *See comprehensive land claims, specific land claims*

Mainstream: the ideas, values, and ways of behaving that are accepted by the majority of a country's people

Métis: a group of Aboriginal people with First Nations and European ancestry. Métis people identify with Métis history and culture, which dates back to the fur trade era when First Nations women and European (mostly French and British) men married and had children. Métis people were for many years refused political recognition by the federal government, although they received recognition as Aboriginal people in the Constitution Act of 1982.

Migrations: the movement of a group of people from one region to another. Some Aboriginal groups followed traditional ways of life based on seasonal patterns of movement. *See circular seasonal time frame*

Mutual support: a concept central to Aboriginal cultures in which relationships and activities benefit the whole rather than the individual

Nation: a community of people bound together by common traditions, culture, and usually language. Many nations have political independence and occupy a distinct territory.

Natural laws: systems governing how the natural world operates that can be learned through observation and experience. Such laws come from the Creator to allow all parts of creation to live in harmony.

Non-ceded lands: territories that Aboriginal peoples never made agreements to share

Non-Status Indian: a term created by the Indian Act that refers to First Nations people who are not registered, for whatever reason, according to the act's requirements and, therefore, do not qualify for the rights and benefits given to people registered as Status Indians

Oral tradition: a practice in which the entire body of knowledge, history, language, and all other aspects of a culture are passed from generation to generation through the spoken word

Paternalistic: of or relating to paternalism — a policy or practice of governing a group, usually employees or citizens of a state, in a way that a stereotypical father might deal with children, especially by providing for their needs without giving them rights or responsibilities, often with an element of charity and condescension

Personal autonomy: the ability of an individual to choose his or her own course of action. In traditional Aboriginal communities, individuals had personal autonomy, but usually acted in the best interests of the group because their holistic worldview made self-interest indistinguishable from the group's interest.

Prejudice: a preconceived idea, usually unfavourable, or an adverse judgment relating to an individual or group, often on the basis of social, physical, or cultural characteristics. Prejudice is an attitude that may lead to discrimination.

Racism: belief in the inferiority of a group of people solely because of their race, skin colour, ancestry, or national or ethnic origin

Reserve: land set aside, or reserved, by the government during the colonization of Canada for the use of a First Nation. The Crown holds legal title to reserve lands and the federal government has jurisdiction over reserves and the people living there.

Resistance: an act or instance of opposing or refusing to comply with rules, restrictions, or regulations considered unauthorized

Scrip: a government-issued certificate entitling the bearer to goods, money, or land

Self-determination: the principle that people of a territory have the authority to establish their own political, economic, and cultural futures without external interference

Self-government: a community's right to make decisions about matters internal to the community

Sovereignty: the authorized right and ability of a governing individual (e.g., a president or monarch) or institution of a society (e.g., a government) to exert political control over a given territory or people. Aboriginal claims to sovereignty generally centre on the right of a nation to rule itself without external control or inference.

Specific land claims: demands for land or other compensation that are made when a First Nation believes the government has not properly fulfilled treaty or other obligations

Status Indian: a term created by the Indian Act that refers to a First Nations person who is registered according to the act's requirements and therefore qualifies for certain rights and benefits

Stereotype: a rigid and inflexible mental image that portrays all individuals of an ethnic, national, cultural, or other group as being without individual characteristics

Traditional: Aboriginal ways of life that existed before political, economic, and social colonization by non-Aboriginal societies, as well as contemporary Aboriginal people or ways of life that are connected to the spiritual, social, and cultural teachings of this time period

Traditional territory: a region historically inhabited and used by an Aboriginal people

Treaties: legal agreements or contracts between two or more sovereign nations that set out obligations and responsibilities for both or all parties

Treaty rights: special rights to land or other entitlements due to people recognized as Treaty Indians under negotiated treaties. These rights depend on the precise terms and conditions of the treaty. No two treaties are identical, but usually they provide rights such as entitlement to reserve lands, hunting and fishing rights, annuities (small annual payments) for members, and sometimes freedom from certain types of taxation.

Tripartite agreements: deals between three groups to further some common purpose. The most common type of tripartite agreement involving Aboriginal peoples in Canada involves an Aboriginal government, a provincial or territorial government, and the federal government.

Usufructuary rights: the legal ability to use or receive benefit from a possession, such as land, without owning it in fee simple

Worldview: the perspective from which a person perceives, understands, and reacts to the world around them. People from a common culture share many elements of the same worldview.

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